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by

PATRICK J. O'DONNELL, CLERK

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RULE 1—OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers To Be Elected. (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairman of Committee on Committees
Chairman of Executive Board
Vice Chairman of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from legislative districts Nos. 1, 2, 15, 16, 23 through 30, 32 through 35, and 46; two from legislative districts Nos. 3 through 14, 20, 31, and 45; and two from legislative districts Nos. 17 through 19, 21, 22, 36 through 44, and 47 through 49. Speaker is member of Board; Chairman of Appropriations is nonvoting member; RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting chairperson upon the resignation or death of the chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the Floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the Floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the Floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board, said vacancy shall be filled pursuant to Rule 3, Section 7(c).

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Sec. 2. Officers To Be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain Coordinator

Officers and employees recommended by the Executive Board, RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the Constitution of the State of Nebraska, and to discharge faithfully the duties of his office according to the best of his ability.

B. Presiding Officer

Sec. 5. President of Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.
Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairman of the Legislative Council
Chairman of the Committee on Committees
Chairman of Committee on Judiciary
Chairman of Committee on Government, Military and Veterans Affairs
Chairman of Committee on Appropriations
Chairman of Committee on Revenue
Chairman of Committee on Education
Chairman of Committee on Banking, Commerce and Insurance
Chairman of Committee on Public Works
Chairman of Committee on Agriculture and Environment
Chairman of Committee on Public Health and Welfare
Chairman of Committee on Miscellaneous Subjects
Chairman of Committee on Business and Labor
Chairman of Committee on Urban Affairs
Chairman of Committee on Constitutional Revision and Recreation

Emergency Succession. RRS 50-503(7).

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.
Addressing the Chair. Rule 2, Sec. 7.
Duties. RRS 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a Call of the Legislature.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter Chamber. Rule 2, Sec. 3.

Sec. 12. Challenge of Ruling of the Chair. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the Chair, the ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?". A majority of those present shall be required to overrule the Chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business all bills and passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his hand and seal, and attested to by the Clerk.

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his office.

Distribution of material by Clerk. Rule 2, Sec. 3f.
Excuse attendance at committee hearing. Rule 2, Sec. 4.
Power to refer bill back to committee. Rule 6, Sec. 3g.
Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. (a) The Speaker with the approval of the Executive Board shall report to the Legislature the order in which bills and resolutions shall be considered on General File. His orders as approved are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum can not be assembled within one half hour after the time to which the Legislature was to have convened.

(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the legislature not less than one day prior to the day for which the agenda was prepared.

D. Clerk of the Legislature

Sec. 17. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of Bills. Rule 5, Sec. 3.

(c) The Clerk of the Legislature shall make a detailed and itemized report to the Legislature each month concerning the number of employees and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.

(d) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(e) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Reference Committee.

General Duties. RRS 50-114
Distribute material, when authorized. Rule 2, Sec. 3f.
Fiscal notes, attach to bills. Rule 5, Sec. 6d.
Lobby Registration. RRS 50-308 through 50-318.
File Administrative Rules. RRS 84-904.

Sec. 18. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

Order of Business. Rule 7, Sec. 1b.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, and memorial or other paper presented for the consideration of the Legislature.

Constitutional Amendment, print in full. Const. Art. XVI, Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) Additional copies of the daily Journal, to be mailed at his direction shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(f) The bound Journal of the session shall be prepared from the corrected daily Journal.

(g) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved, under the direction of the Clerk.

(h) A list of lobbyists who are registered shall be set forth in the Journal.

On Registration of lobbyists. 49-1480 through 49-1492 R.R.S.

Sec. 19. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115.

E. Other Offices

Sec. 20. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the Legislative Chamber.

RRS 50-116.

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance at committee hearing. Rule 2, Sec. 4.

Sec. 21. Chaplain Coordinator. The Chaplain Coordinator shall work in conjunction with organized Nebraska groups of Clergy to arrange for prayer at the beginning of each day of the Legislative Session.

Sec. 22. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Sec. 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill. The Executive Board shall submit a salary schedule the first day of each session to the Legislature for all temporary employee positions. Such salary schedule shall be considered adopted unless rejected or amended by a majority of the elected members. No further adjustments in individual salaries for temporary employees need to be submitted to the Legislature for that session.

RRS 50-112.

RULE 2—RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. These rules shall be adopted at the commencement of each regular session in odd-numbered years and, as amended from time to time, shall govern the Legislature for a period of two years. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

Overruling the Chair. Rule 1, Sec. 12.
Presiding officer, duties. RRS 50-113.

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The Legislative Chamber shall consist of the entire floor of the Legislative Chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families.
(ii) Officers and employees of the Legislature.
(iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the Chair.

State officials appearing before committees. Rule 3, Sec. 14.

(d) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the Chair. When bills are being read on Final Reading, no one shall be permitted to be seated beside members of the Legislature.

(e) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(f) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the Legislative Chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(g) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President.

(h) No individual other than a senator or officer of the Legislature shall be allowed to address the Legislature except from the podium.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the Legislative Chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he is a member, unless excused by the Legislature, the Speaker, or the committee chairman. Members who have been excused by the Legislature or the Speaker shall notify their committee chairman that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Members who are shown as excused and not voting may have inserted into the Journal how he or she would have voted had he or she been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he shall rise from his seat and respectfully address himself to "Mr. President." A member shall speak only when recognized and shall confine himself to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the rules of the Legislature, the presiding officer shall, or any member may, call him to order, in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed, but not otherwise, and if the case requires it, he shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he be the mover, proposer, or introducer of the matter pending in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover, proposer or introducer of the matter pending may speak for ten minutes when he first presents the matter to the Legislature.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3—COMMITTEES

Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

(d) A committee may adopt the Model Committee Rules (Appendix A to Rule 3) as the rules to be used in governing the committee's activities.

Model Committee Rules-Appendix A on file in the Clerk's Office.

Sec. 2. Appointment of Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and three from District No. 1 consisting of legislative districts Nos. 1 through 3, 25 through 30, 32, 45, and 46; three from District No. 2 consisting of legislative districts Nos. 4 through 14, 20, and 31; three from District No. 3 consisting of legislative districts Nos. 15 through 19, 21 through 24, 34, 35, and 40, and three from District No. 4 consisting of legislative districts Nos. 33, 36 through 39, 41 through 44, and 47 through 49.

(b) The Committee on Committees by a majority vote of all its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

(d) During session, all vacancies on Standing or Select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Sec. 2.

During the interim, all vacancies on Standing or Select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Sec. 3. Standing Committees. (a) The Standing Committees of the Legislature shall be as follows:

Administrative Rules and Regulations Review	7 members
Agriculture and Environment	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Constitutional Revision and Recreation	7 members
Education	8 members
Government, Military and Veterans Affairs	8 members
Judiciary	8 members
Miscellaneous Subjects	8 members
Public Health and Welfare	7 members
Public Works	8 members
Revenue	8 members
Urban Affairs	8 members

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 4. Select Committees. (a) The Select Committees of the Legislature shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	5 members

(b) Select Committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(c) Committee on Committees.

(i) The Committee on Committees shall have authority to call before it a committee chairperson and discuss the workload of said committee. It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson. The Committee on Committees shall conduct said hearing in accordance with its own rules.

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the chairperson, the vice chairperson of the Judiciary Committee shall assume the duties of the chairperson of the Enrollment and Review Committee.

(ii) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(iii) The chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

(A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.

(B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

(D) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.

(E) To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

Building and Maintenance. RRS 81-106	4 members
Education Commission of the States. RRS 79-2504	4 members
Executive Board of the Legislative Council. RRS 50-401.01	9 members
Intergovernmental Cooperation. RRS 81-816	5 members
Law Enforcement and Justice Advisory, (Judiciary Committee). RRS 50-601	8 members
Nebraska Retirement Systems. RRS 50-416	5 members
Nebraska Transportation Advisory. RRS 50-421	5 members
Performance Review and Audit. RRS 50-701.02	6 members
Telecommunications. RRS 50-424	8 members

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Sec. 81-816, the Executive Board may appoint alternate members to serve on such assignments as the chairperson shall direct.

(ii) Nebraska Retirement Systems Committee.

The Nebraska Retirement Systems Committee (RRS-50-416) together with the chairperson of the Appropriations Committee shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions.

Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 2:00 p.m. on weekdays, unless otherwise approved by the Legislature.

(b) A standing committee deciding not to hold meetings on the appointed day must receive permission from the Reference Committee.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Sec. 7. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

Sec. 8. Committee Quorum. A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

Sec. 9. Quorum at Committee Hearings. A quorum of committee members should be maintained throughout all committee hearings.

Sec. 10. Conduct During Committee Hearing. No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the Committee conducts an Executive Session within the hearing room assigned to that Committee for such purpose, unless the Committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.

Sec. 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee after a majority vote of the remaining members shall request that such vacancy be filled by the Committee on Committees. Such committee shall appoint either the Speaker, or a member from a standing committee having eight members to fill each vacancy.

(b) A temporary appointment may be made by the chairperson of the Committee on Committees for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 12. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the same subject under the number of one of the correlated bills or resolutions, and when reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed. Committees may before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee.

Sec. 13. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, by publication in the Legislative Journal. No bill having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for said public hearing.

Sec. 14. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 15. Executive Sessions and Closed Meetings. (a) Executive Session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

(b) All other meetings of a committee shall be public unless the committee, by majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

Sec. 16. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled meetings only.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the bill drafter.

Sec. 17. Indefinitely Postponed Bills. If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 18. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

(1) the one-line title and number of the bill;
(2) a roll call vote of final committee action taken on the bill;
(3) the date of the public hearing on the bill;
(4) a list of all individuals testifying for and against the bill and any organization they represent;
(5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
(6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

Sec. 19. Request from Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. If at the expiration of eight calendar days from the date final action was taken the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.

Sec. 20. Subpoena Procedure. It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

A committee of the Legislature conducting an investigation and gathering information, whether pursuant to Legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

(A) Issuance of Subpoenas.

(i) A committee may by majority vote of all of its members, taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the executive board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may in the same manner issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

(B) Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenaed in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(C) Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, section 15(b) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may by majority vote of all its members authorize the questioning of a witness by the committee's counsel or by special counsel.

(D) Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

(E) Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

(F) Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges and responsibilities of a witness provided to all other witnesses.

(G) Contempt.

A person shall be in contempt if he or she:

(i) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation.

(ii) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper or other document subpoenaed by or on behalf of a committee, or

(iii) Commits any other act or offense against a committee which, if committed against the Legislature would constitute a contempt.

The chairperson of a committee may apply to the Legislature or, during the interim, to the District Court of any county to compel obedience by proceedings for contempt.

(H) Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to R.R.S. 50-105 and 50-106 during the session, or to R.R.S. 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(I) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

RULE 4—RESOLUTIONS

Section 1. Identifications. A resolution shall be designated as Legislative Resolution ____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal.

73-74 Attorney General Opinion No. 13—Resolutions must be printed and read before a vote is taken.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of Section 84-904, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills.

Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1.
Const. Art. III, Sec. 25, Cannot appropriate funds by resolution.

Sec. 3. Study Resolution. Resolutions which propose that studies be made by the Legislative Council shall be first referred to the Executive Board of the Legislative Council, this Board to submit a report with each resolution recommending that the proposed study be made or rejected. The Executive Board of the Legislative Council shall determine the time and number of interim studies. All such studies authorized by the Legislature shall be referred to the appropriate permanent standing or special committee by the Executive Board. The chief introducer of a study resolution shall, if not otherwise a member of the committee to which the resolution is assigned, be an ex officio member of said committee, but such membership shall not extend beyond the convening of the next legislative session and shall be limited to a study of that resolution only.

RRS 50-404.

Sec. 4. All resolutions, if amended, shall pass through the process of Enrollment and Review in the regular course of their consideration.

Sec. 5. All resolutions shall be adopted by an affirmative vote of a majority of the elected members except for those specified in Section 2 which shall be considered and adopted in the same manner as bills.

Sec. 6. Resolutions shall lie over for consideration at least one legislative day after introduction.

Sec. 7. Only those resolutions specified in sections 2 and 3 of this Rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lt. Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Secs. 2 and 3 of this rule shall be referred to the Reference Committee for referencing to the appropriate committee upon the recommendation of the Speaker of the Legislature.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter.

Sec. 10. A committee, when reporting out a resolution shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

Emergency seat of government; Resolution proving for, must be signed by Governor. RRS 23-2103, 1943, by Governor.

RULE 5—BILLS—GENERAL PROVISIONS

Section 1. Drafting of Bills. The bill drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. In order to shorten the length of sections, the bill drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The bill drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the bill drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. A bill shall be designated as Legislative Bill No. ___.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject, and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 13.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the Statutes or Constitution.

Sec. 3. Revisor Correctional Bills, Pre-Printing. (a) Preceding each legislative session, the chairman or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as chairman of the Judiciary Committee, shall sign as introducer the Revisor of Statutes correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer.

(b) A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill.

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, appropriation bills and bills introduced at the request of the Governor may be introduced at any time;
2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Bills introduced under Rule 5, Sec. 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate two of the committee's bills as priority bills.

(c) The Speaker may designate up to 25 additional priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker.

The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(g) All bills not designated as priority bills shall be heard on general file in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a Consent Calendar. Any bill placed on Consent Calendar shall be removed at the written request of three or more senators.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds shall be held on final reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on general file, or after one vote on select file, shall return to nonpriority status.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk within ten calendar days of receipt of a copy of the bill for analysis. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairman of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(g) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The note shall be factual in nature, as brief and concise as may be, and shall if possible provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(k) To implement the provisions of and assure compliance with Art. III, Sec. 22, of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

For creation of position. RRS 50-418.
For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's Budget message. Const. Art. IV, Sec. 7.

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Salaries of employees. Rule 1, Sec. 22.

Sec. 11. Withdrawal of Bills. No bill, having been introduced may be withdrawn except upon motion of the first introducer with the consent of his co-introducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Sec. 13.

Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

RULE 6—BILLS—STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction the Clerk shall deliver bills requiring reference to the Reference Committee.

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the reference committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Sec. 3.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Sec. 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event such motions shall alternatively be passed by unanimous consent of the body.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action he may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any rule to the contrary notwithstanding any motion to amend a bill shall require a majority vote of the elected members. Any motion to amend an appropriation bill or a motion to amend an amendment to an appropriation bill shall require a majority vote of the elected members.

(i) Any bill failing to receive 25 votes to be advanced to E & R Initial after three attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on General File:

UC—Unanimous Consent; MEM—Majority of Elected Members; MTV—Majority of those voting.

GENERAL FILE

		Rule-Sec.
On introduction of bill		
Withdraw bill	MTV	5-11
On consideration of bill on General File		
Move to pass over	MTV	6-3d
Move to change order	3/5	1-16
Move to IPP before bill is read	MEM	6-3f
Move to IPP after bill is read	MTV	
Move to Advance to E & R Review	MEM	6-4
Move to return to Committee	MEM	
Move to Reconsider		
(within one legislative day thereafter)	MEM	7-7a
(if after one legislative day, by suspension of the rules only)		7-7a
Move to amend	MEM	6-3h
Move to amend the Amendment	MTV	
Move to withdraw bill-first introducer	MTV	5-11
If returned from Select File		
Motion to return to Select File	MEM	6-5d
Motion to amend	MEM	6-5f
Motion to advance	MEM	6-4
Defeated bill, motion to reconsider	MEM	7-7

Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 5. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the chairman of Enrollment and Review.

(b) A motion to adopt an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by E & R. If the bill is not altered, it may be advanced to E & R for engrossment.

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d, and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by E & R shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the E & R Committee returns a bill to Select File from engrossment, then only the specific enrollment and review amendments may be considered.

(i) Any bill failing to receive 25 votes to be advanced to E & R Final after two attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on Select File.

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for Engrossing if machine vote requested	**MEM**	
Motion to act on E & R amendment	**MTV**	**6-5a**
Motion to amend	**MEM**	**6-5b**
Motion to recommit to a standing committee	**MEM**	**6-5c**
Motion to return to General File for amendment	**MEM**	**6-5d**
Motion to Indefinitely Postpone	**MEM**	**6-5e**
On bill returned from E & R Engrossing & Final Reading		
Motion to return for specific amendment	**MEM**	**6-6**
Motion to adopt specific amendment	**MEM**	**6-6**

Sec. 6. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a

majority of the elected members.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) Two legislative days after its reference to Final Reading file.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 8. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(a) To recommit the bill to Enrollment and Review to correct an error and for re-engrossment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.

(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment & Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Sec. 3g.
No one to be seated beside member during Final Reading. Rule 2, Sec. 3d.

Sec. 9. Question on Final Reading. The question after the Final Reading of bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' " If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 10. Emergency Clause, Votes Requested. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 11. Governor's Veto. Further Legislative Action. Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. Whereupon, the question shall be, "Shall the bill pass, notwithstanding the objection of the Governor?" No bill vetoed by the Governor shall be taken up by the legislature for any purpose other than passage of the bill notwithstanding the objection of the Governor or for override of a line-item veto.

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

Sec. 12. Bills, Passed Over Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

Sec. 13. Certificates. Whenever the Legislature shall override a line item veto, on any bill as provided for in Article 10, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and shall list the items so overriden by section, page, and line.

In addition to such certificate the Clerk of the Legislature shall note on each line, when the legislature votes to override, a stamp reading "line item veto overriden" and place thereon the date and his initials.

Sec. 14. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the chairman of the Appropriations Committee shall report within one legislative day to the Legislature on it's fiscal implications, and affect on operations. If the Appropriations

Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the chairman of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line item veto therein.

(b) If such motion fails or is not offered the chairman of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

(c) Any member of the Legislature may then offer a motion to override the veto of the bill or any portion thereof if the Appropriations Committee by majority action decides not to recommend overriding the veto of the bill or the veto of that portion of the bill.

(d) It shall require 30 votes of the elected members to amend a veto override motion that includes another line item veto.

Sec. 15. When a proposed constitutional amendment does not receive the required four-fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final Reading, and the question shall be, "Shall the bill pass providing for the submission of such proposition at the next general election?'."

The following votes shall be required to adopt the following motions on Final Reading:

FINAL READING

		Rule-Sec.
To return to standing committee	**MEM**	**6-8**
To return to E & R to correct an error	**MEM**	**6-8**
To return to Select File for specific amendment	**MEM**	**6-6**
Unless to add the emergency clause	**2/3**	**6-8**
To pass on Final Reading	**MEM**	**6-9**
With emergency clause attached	**2/3**	**6-10**
Creation of State Office *Const. Art. IV, Sec. 27*	**2/3**	
Motion to reconsider (when failed on Final Reading)	**3/5**	**7-7**
To add the emergency clause	**2/3**	**6-8**
Override Governor's veto	**3/5**	**6-11**
"A" bills considered		**5-6**

Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.

RULE 7—PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall in odd-numbered years, after the period allowed for the introduction of bills, recess for four (4) calendar days. During such recess committees shall prepare, for public distribution, a calendar of hearing dates. No committee hearings shall be held until after the recess provided for in this section. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators.

Const. Art. III, Sec. 10.

Each day the Legislature convenes shall be considered a legislative day.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on President's desk
n. Consideration of bills on General File
o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond the time fixed for such special order, then in that event the bill so made a special order shall be placed in its order on General File. The unfinished business in which the Legislature was engaged at the adjournment of the last preceding sitting shall have preference in the special order of the day.

(e) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Sec. 1.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay'."

(b) If a machine vote is called for or if the presiding officer is in doubt, he shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the House while the House is under Call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes.

(e) Only Senators physically in the legislative chamber may vote.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To adjourn
b. For the previous question
c. To postpone to a time certain
d. To recommit to a committee
e. To amend
f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
b. Motion to advance bills from committee.
c. Motion to place bills on General File, notwithstanding the action of a standing committee.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject or accomplishes substantially different purpose than that of the original bill to which it is proposed.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Sec. 12 of these Rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

Sec. 5. Call of the Legislature. A Call of the Legislature may be made by any member in the manner following: "I move for a Call of the Legislature." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under Call. If a majority of the senators present and voting vote in favor of such a motion then the Legislature shall be deemed to be under Call. Each member present shall indicate his presence upon the electric roll call system and shall remain in his seat during the Call. After the Clerk shall note the names of the absentees, proceedings under the Call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the Call raised.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Sec. 14.
Voice vote while House under Call. Rule 7, Sec. 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Sec. 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority f the elected members, except:

i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.

ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

(e) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

When a motion to adjourn has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion, otherwise a motion to adjourn is not debatable.

A motion to adjourn shall be adopted if approved by a majority of members voting.

RULE 8—APPROPRIATIONS PROCESS

Section 1. Purpose. The purpose of this Rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, and (2) restrict the growth in state appropriations.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Sec. 2 of this Rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Resolution, General Fund Appropriation. Based upon the Appropriations Committee's report, the Legislature shall adopt a resolution which specifically recommends a maximum General Fund appropriation for each year of the following biennium. The Legislature shall consider such resolution no less than three legislative days after the Appropriations Committee report is distributed to members of the Legislature and the resolution is printed in the Legislative Journal. Any adoption of the resolution or amendment to the resolution which increases or decreases the maximum General Fund appropriation recommendation made under Section 2 of this Rule shall require twenty-five votes for adoption.

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation provided for in Sec. 4 of this Rule which shall be allocated for the funding of "A" bills, bills that result in the reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriation bills as reported to General File by the Appropriations Committee. All "A" bills which appropriate General Funds, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills shall not be read on final reading until the appropriation bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriation bills on General File no later than the 70th Legislative Day in a 90 day session and the 40th Legislative Day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriation bills as introduced by the Governor. The appropriation bills shall be passed no later than the 80th Legislative Day in a 90 day session and the 50th Legislative day in a 60 day session. Such appropriation bills proposed by the Appropriations Committee plus the allocation for the funding of "A" bills, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills, shall not be in excess of the maximum General Fund appropriation adopted by resolution pursuant to Sec. 4 of this Rule. The appropriation provided for in an "A" bill shall be for not less than two fiscal years.

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Adopt E & R Amendment	Simple Majority	6-5
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TITLES TO BILLS

Titles to Bills and Resolutions introduced in the Eighty-Eighth Legislature of Nebraska, First Session, 1983 and pending before the Eighty-Eighth Legislature of Nebraska, Second Session, 1984

STATUS OF BILLS
on
January 4, 1984

GENERAL FILE: 9 13 14 25 38 49 56 63 68 79 80 117 122 122A 130 130A 132 140 140A 152 165 165A 171 183 189 190 212 216 217 218 220 222 226 229 232 243 251 251A 255 256 260 275 276 278 283 284 286 286A 287 290 296 297 300 312 318 321 324 333 338 341 341A 342 344 344A 348 360 368 372 372A 373 377 394 395 403 403A 405 407 416 416A 419 420 426 426A 430 442 445 450 450A 457 460 466 466A 470 470A 477 477A 478 478A 481 481A 482 492 496 500 500A 507 510 526 526A 527 529 530 540 543 545 551 553 560 564 568 568A 576 590 591 595 623 625 631 LR1 LR2 LR3 LR4 LR12 LR20

SELECT FILE: 249 129 150 227 503 503A LR10 336A 336

FINAL READING: (371A 388)

BILLS HELD BY COMMITTEES:

Adm. Rules & Regs.: (0)
Agriculture: 55 504 534 580 LR87
Appropriations: 354 398 581 601
Banking: 115 340 390 453 473 475 480 502 554 582
Bus. & Labor: 280
Cons. Rev.: 293 294 LR15 LR17 LR18
Education: 103 141 288 331 385 446 467 514
Government: 459 471 516 518 544 606 LR71
Judiciary: 5 77 123 202 233 355 422 441 443 455 489 525 569 598
Misc. Subj.: 258 295
Nebr. Ret. Sys.: 552
Pub. Health: 51 61 85 112 113 314 418 517 561
Pub. Works: 67 167 231 379 381 431 458 485 528 558 559 578 596 LR37 LR62 LR197
Revenue: 47 147 172 364 444 491 586 597 LR70
Urban Affairs: 250 359 386 513

LEGISLATIVE BILL 5. By Haberman, 44th District.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-1205 and 29-2221, Reissue Revised Statutes of Nebraska, 1943; to make persons charged with using firearms to commit a felony ineligible for pretrial diversion; to change provisions relating to judgment on conviction, parole, and mandatory release from confinement; to change certain provisions relating to imprisonment of habitual criminals; to define terms; to prohibit plea bargaining as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 9. By Kahle, 37th District.

A BILL FOR AN ACT to amend section 79-1254.09, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to contracts of employment; and to repeal the original section.

LEGISLATIVE BILL 13. By Kilgarin, 7th District; Beutler, 28th District.

A BILL FOR AN ACT relating to courts; to amend sections 7-111, 14-603, 14-604, 15-326, 24-209, 24-501, 24-515, 24-517, 24-521, 24-526, 24-536, 24-568, 24-585, 24-585.01, 24-591, 24-701, 24-714, 24-729, 24-733, 25-1093.01, 26-1,172, 26-1,173, 26-1,178, 26-1,180, 26-1,182, 26-1,183, 27-1101, 29-103, 29-301, 29-302.01, 29-302.02, 29-403, 29-611, 29-613 to 29-615, 29-901.05, 29-902.01, 29-910, 29-1804.14, 29-2246, 29-2253, 29-2271, 29-2317, 29-2318, 29-2704, 32-421.01, 49-502, 49-801, 76-1409, and 76-1441, Reissue Revised Statutes of Nebraska, 1943, and sections 24-503, 24-524, 24-525, 24-541.01 to 24-541.07, 24-541.09, 24-583, 24-703, 25-1002, 25-1010, 25-1641, 29-812, 29-2252, 29-3302, 33-138, 33-139, 43-247, 43-2,113, 43-2,123, 43-2,124, 44-1627, and 49-617, Revised Statutes Supplement, 1982; to eliminate municipal courts; to provide for additional county judges as prescribed; to transfer equipment, property, and personnel from municipal courts to county courts as prescribed; to provide duties; to define terms; to provide for the transfer of juvenile and municipal court probation positions to the Office of Probation Administration; to change membership on a committee; to change provisions relating to appointment of associate judges as prescribed; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 24-529, 24-703.01, 26-101, 26-102, 26-102.01 to 26-102.03, 26-103 to 26-105, 26-107, 26-108 to 26-111, 26-113, 26-114, 26-116, 26-117, 26-118, 26-119, 26-120, 26-122, 26-1,202, 26-1,203, 29-2209, 29-2215, 29-2216, and 29-2255, Reissue Revised Statutes of Nebraska, 1943, and sections 26-106, 26-112, and 29-2219, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 14. By Kilgarin, 7th District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes

Supplement, 1982, relating to income tax; to authorize a credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 25. By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-1503.01, 2-1577, 2-3264, 43-611, 43-648, 68-1106, 71-1628, 71-5010, 71-5027, 77-2703, 77-27,132, 77-3523, 77-3525, 79-4,160, 79-4,166, 79-1103.05, 81-1533, 83-1,143.03, and 84-147, Reissue Revised Statutes of Nebraska, 1943, and sections 19-3909, 23-362, 43-646.02, 60-409, 60-409.02, 77-2715.01, 77-27,136, 77-27,137, 79-445, 79-1333, and 79-2651, Revised Statutes Supplement, 1982; to create the Sales Tax Fund, the Sales Tax Refund Fund, and the Driver Education Fund; to provide for the transfer of funds; to provide that certain sales and use tax revenue be deposited in the Sales Tax Fund; to change the fund from which certain appropriations are made; to provide duties; to provide for refunds; to harmonize provisions; to eliminate certain refunds; to provide an operative date; to repeal the original sections, and also sections 77-27,149 to 77-27,155, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 38. By Wagner, 41st District; Wesely, 26th District; Von Minden, 17th District; Chronister, 18th District; Hefner, 19th District.

A BILL FOR AN ACT to amend section 80-401, Revised Statutes Supplement, 1982, relating to the Nebraska Veterans' Aid Fund; to increase such fund; to provide for appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 47. By Carsten, 2nd District; Hefner, 19th District; Newell, 13th District; V. Johnson, 8th District; Wagner, 41st District.

A BILL FOR AN ACT to amend sections 77-2702 and 77-2703, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide a sales tax on services; to define a term; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 49. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 70-620, 70-620.01, and 70-624.02, Reissue Revised Statutes of Nebraska, 1943, and section 70-624, Revised Statutes Supplement, 1982, relating to public power districts; to change provisions for officers and employees; and to repeal the original sections.

LEGISLATIVE BILL 51. By Cullan, 49th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-2702 and 71-2802, Reissue Revised Statutes of Nebraska, 1943; to provide procedures for licensing and regulating athletic trainers as prescribed; to provide that certain provisions are not applicable to athletic trainers; and to repeal the original sections.

LEGISLATIVE BILL 55. By Eret, 32nd District.

A BILL FOR AN ACT relating to agriculture; to require the Department of Agriculture to provide a commodity pricing directory service.

LEGISLATIVE BILL 56. By Nichol, 48th District; H. Peterson, 35th District.

A BILL FOR AN ACT to amend sections 53-102, 53-103, 53-180.02, and 53-180.04, Revised Statutes Supplement, 1982, relating to liquors; to redefine minor; to permit certain employment; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 61. By Wiitala, 31st District.

A BILL FOR AN ACT relating to adoptions; to provide for hearings and appeals as prescribed.

LEGISLATIVE BILL 63. By Landis, 46th District.

A BILL FOR AN ACT to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to change provisions requiring publication; and to repeal the original section.

LEGISLATIVE BILL 67. By Vickers, 38th District.

A BILL FOR AN ACT to amend section 46-663, Revised Statutes Supplement, 1982, relating to water; to authorize certain reporting and consultation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 68. By Vickers, 38th District.

A BILL FOR AN ACT to amend section 32-535, Reissue Revised Statutes of Nebraska, 1943, relating to nonpartisan elections; to include additional county officers as nonpartisan; and to repeal the original section.

LEGISLATIVE BILL 77. By Pirsch, 10th District; Hoagland, 6th District.

A BILL FOR AN ACT to amend section 28-431, Revised Statutes Supplement, 1982, relating to controlled substances; to change provisions relating to forfeiture of certain property; to provide for the allocation of the forfeited property; to create a fund; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 79. By Pirsch, 10th District.

A BILL FOR AN ACT to amend sections 28-318 to 28-320, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to define and redefine terms; to change provisions relating to sexual assault; to provide a penalty; to restrict the use of certain evidence; and to repeal the original sections, and also sections 28-321 to 28-323, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 80. By Pirsch, 10th District.

A BILL FOR AN ACT to amend section 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, relating to correctional services; to change provisions relating to reduction of sentence as prescribed; and to repeal the original section.

LEGISLATIVE BILL 85. By Higgins, 9th District; Labedz, 5th District.

A BILL FOR AN ACT relating to the Department of Public Welfare; to prohibit reimbursement for certain expenses as prescribed; and to provide severability.

LEGISLATIVE BILL 103. By Lamb, 43rd District.

A BILL FOR AN ACT to amend section 79-12,111, Revised Statutes Supplement, 1982, relating to schools; to change provisions relating to evaluation of a probationary employee; and to repeal the original section.

LEGISLATIVE BILL 112. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to children; to provide for funding of certain maternal and infant care; to provide duties; to create funds; to provide for rules and regulations; and to provide for appropriations.

LEGISLATIVE BILL 113. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to public assistance; to determine eligibility for medical assistance as prescribed; to provide for a period of ineligibility as prescribed; and to allow certain waivers of ineligibility.

LEGISLATIVE BILL 115. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 44-1620 and 44-1625, Revised Statutes Supplement, 1982, relating to insurance; to authorize disability insurance coverage for state employees; and to repeal the original sections.

LEGISLATIVE BILL 117. By Vickers, 38th District; Sieck, 24th District; Carsten, 2nd District.

A BILL FOR AN ACT to amend section 9-307, Uniform Commercial Code, relating to secured transactions; to change provisions relating to the protection of buyers; and to repeal the original section.

LEGISLATIVE BILL 122. By DeCamp, 40th District; Kilgarin, 7th District; Wiitala, 31st District; Fowler, 27th District; Wesely, 26th District; Chambers, 11th District.

A BILL FOR AN ACT to adopt the Public Service Intervenor Act.

LEGISLATIVE BILL 122A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 122, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 123. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 83-4,122 and 83-4,123, Reissue Revised Statutes of Nebraska, 1943, relating to penal and correctional institutions; to provide a requirement for a hearing; to provide for judicial review; and to repeal the original sections.

LEGISLATIVE BILL 129. By V. Johnson, 8th District.

A BILL FOR AN ACT to amend section 23-151, Revised Statutes Supplement, 1982, relating to county government; to provide for district election of county commissioners as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 130. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to children; to provide licensing for early childhood programs and facilities; to provide intent; to define terms; to provide duties; to provide for enforcement of orders; to provide for civil penalties; to require a report; to amend sections 71-901 and 71-1901, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1902 and 81-502, Revised Statutes Supplement, 1982; to provide for inspections; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 130A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 130, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 132. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 59-821 and 59-1609, Reissue Revised Statutes of Nebraska, 1943, relating to monopolies and unlawful combinations; to provide for the disposition of certain damages as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 140. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to aged persons; to provide for state funding of the Silver Haired Legislature; and to declare an emergency.

LEGISLATIVE BILL 140A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 140, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 141. By Beutler, 28th District; Vickers, 38th District.

A BILL FOR AN ACT relating to education; to provide for the early transfer of students from high school to an institution of higher education.

LEGISLATIVE BILL 147. By Sieck, 24th District.

A BILL FOR AN ACT to amend section 77-3504, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715, Revised Statutes Supplement, 1982, relating to revenue and taxation; to provide an income tax exemption for federal civil service annuities; to modify a definition; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 150. By Fenger, 45th District.

A BILL FOR AN ACT to amend section 31-761, Reissue Revised Statutes of Nebraska, 1943, and sections 31-727 and 31-771, Revised Statutes Supplement, 1982, relating to sanitary and improvement districts; to change provisions relating to the organization of a district; to change boundary provisions as prescribed; to change a provision relating to appointing an administrator as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 152. By Fenger, 45th District.

A BILL FOR AN ACT to amend section 70-637, Reissue Revised

Statutes of Nebraska, 1943, relating to public power districts; to provide an exception to certain purchasing procedures; and to repeal the original section.

LEGISLATIVE BILL 165. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 24-708, Reissue Revised Statutes of Nebraska, 1943, relating to judges retirement; to allow an additional method to reach retirement; and to repeal the original section.

LEGISLATIVE BILL 165A. By Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 165, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 167. By Pirsch, 10th District.

A BILL FOR AN ACT relating to the rules of the road; to amend sections 29-424 and 39-669.22, Reissue Revised Statutes of Nebraska, 1943, and section 60-411, Revised Statutes Supplement, 1982; to provide duties for persons with driver's licenses; to provide for a temporary driver's license in certain instances; to provide procedures through which a driver's license may be impounded; to provide a penalty; to provide duties for peace officers; to provide duties for courts; to modify license renewal requirements as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 171. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Sieck, 24th District; Jacobson, 33rd District; Rupp, 22nd District; Abboud, 12th District; Fowler, 27th District.

A BILL FOR AN ACT relating to the State Recreation Road Fund; to amend sections 39-2402 and 60-302, Revised Statutes Supplement, 1982; to increase motor vehicle registration fees; to provide for placement of increased fees in the State Recreation Road Fund; and to repeal the original sections.

LEGISLATIVE BILL 172. By L. Johnson, 15th District.

A BILL FOR AN ACT to amend section 66-618, Reissue Revised Statutes of Nebraska, 1943, relating to special fuel dealers; to change provisions relating to permits as prescribed; to repeal the original section.

LEGISLATIVE BILL 183. By Pirsch, 10th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 29-2203, Revised Statutes Supplement, 1982, relating to criminal procedure; to change provisions relating to the burden of proof in certain cases; and to repeal the original section.

LEGISLATIVE BILL 189. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to public defenders; to amend sections 29-1804 and 29-1805.06, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain representations by such attorneys; and to repeal the original sections.

LEGISLATIVE BILL 190. By Beyer, 3rd District.

A BILL FOR AN ACT to amend section 28-1115, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to exempt certain lotteries, raffles, and gift enterprises from awarding mandatory prizes; and to repeal the original section.

LEGISLATIVE BILL 202. By Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-105, 28-303, 83-1,107, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, and section 24-342, Revised Statutes Supplement, 1982; to eliminate the death penalty; to repeal sections relating to special procedures in cases of homicide; to provide when this act shall apply; to limit provisions relating to parole and discharge from custody; to harmonize provisions; and to repeal the original sections, and also sections 29-2519 to 29-2521.04, 29-2523 to 29-2524.02, 29-2527, 29-2529 to 29-2538, and 29-2540 to 29-2546, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2522, 29-2525, 29-2528, and 29-2539, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 212. By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to state intent; to limit certain budgets as prescribed; and to declare an emergency.

LEGISLATIVE BILL 216. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Warner, 25th District; Vickers, 38th District; Goodrich, 20th District; Schmit, 23rd District; Wesely, 26th District.

A BILL FOR AN ACT to amend section 23-2306, Reissue Revised Statutes of Nebraska, 1943, and section 23-1118, Revised Statutes Supplement, 1982, relating to county retirement systems; to change which counties may provide benefits; to change membership provisions; and to repeal the original sections.

LEGISLATIVE BILL 217. By Wiitala, 31st District.

A BILL FOR AN ACT relating to disability compensation; to amend section 81-2026, Reissue Revised Statutes of Nebraska, 1943, and section 48-121, Revised Statutes Supplement, 1982; to change compensation rates for certain state employees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 218. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Vickers, 38th District; Wesely, 26th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1531, 79-1533, 81-2017, and 84-1308, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2307, 24-703, and 79-1056, Revised Statutes Supplement, 1982; to provide for the employer to pick up certain employee contributions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 220. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Warner, 25th District; Schmit, 23rd District; Goodrich, 20th District; Wesely, 26th District; Vickers, 38th District.

A BILL FOR AN ACT relating to firefighters; to authorize a pension program for certain volunteer fire departments and rescue squads; to define terms; to provide powers and duties; to amend section 35-513, Reissue Revised Statutes of Nebraska, 1943, and section 35-508, Revised Statutes Supplement, 1982; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 222. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Warner, 25th District; Goodrich, 20th District; Schmit, 23rd District; Wesely, 26th District; Vickers, 38th District.

A BILL FOR AN ACT to amend section 84-1332, Reissue Revised Statutes of Nebraska, 1943, relating to retirement; to change provisions relating to retirement for transferred county employees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 226. By Goll, 16th District; R. Peterson, 21st District; Hefner, 19th District; Chronister, 18th District; Von Minden, 17th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Department of Public Institutions to sell certain land to the Northeast Technical Community College Area; and to provide severability.

LEGISLATIVE BILL 227. By Wiitala, 31st District.

A BILL FOR AN ACT relating to schools; to provide considerations for the State Department of Education in establishing certain teachers salaries.

LEGISLATIVE BILL 229. By Beutler, 28th District.

A BILL FOR AN ACT relating to libraries; to amend section 51-214, Reissue Revised Statutes of Nebraska, 1943; to provide recovery of certain costs and fees by a library board; to provide penalties for theft of library materials; to define a term; to restrict liability; to provide for restitution; and to repeal the original section.

LEGISLATIVE BILL 231. By Lamb, 43rd District; Haberman, 44th District.

A BILL FOR AN ACT relating to motor vehicles; to provide for a short-term commercial license for certain farm trucks as prescribed; and to provide a fee.

LEGISLATIVE BILL 232. By Wesely, 26th District; Landis, 46th District; Carsten, 2nd District.

A BILL FOR AN ACT to amend section 2-3214, Reissue Revised Statutes of Nebraska, 1943, and section 2-3218, Revised Statutes Supplement, 1982, relating to natural resources districts; to change provisions relating to elections of a district's board of directors; to change provisions relating to directors' compensation; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 233. By Sieck, 24th District; Pirsch, 10th District; Chronister, 18th District.

A BILL FOR AN ACT to amend section 29-2260, Revised Statutes Supplement, 1982, relating to criminal procedure; to provide for restitution as prescribed; and to repeal the original section.

LEGISLATIVE BILL 243. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Labedz, 5th District; Beyer, 3rd District; Schmit, 23rd District; Haberman, 44th District.

A BILL FOR AN ACT to amend section 44-1907, Reissue Revised Statutes of Nebraska, 1943, relating to title insurance; to require title insurance agents to be licensed abstractors; and to repeal the original section.

LEGISLATIVE BILL 249. By Business and Labor Committee: Barrett, 39th District, Chairperson; Goll, 16th District; R. Peterson, 21st District; Eret, 32nd District; Labedz, 5th District; Wiitala, 31st District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 48-649, Reissue Revised Statutes of Nebraska, 1943, relating to employment security; to change provisions relating to employer's contributions; and to repeal the original section.

LEGISLATIVE BILL 250. By Fenger, 45th District.

A BILL FOR AN ACT relating to cities and villages; to delete provisions relating to group homes; and to repeal sections 18-1744, 18-1745, 18-1746, and 18-1747, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 251. By Fenger, 45th District.

A BILL FOR AN ACT to amend sections 53-107, 53-122, 53-123, 53-123.04, 53-123.07, 53-124, 53-124.07, 53-124.08, 53-134, 53-135, 53-138.02, 53-138.03, 53-166, 53-183, and 53-194.02, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103, 53-117, 53-124.09, 53-125, 53-129, 53-131, 53-132, 53-133, 53-135.01, 53-142, 53-146, 53-147, 53-164.01, 53-168, 53-179, 53-1,114, and 53-1,116, Revised Statutes Supplement, 1982, relating to liquor; to modify definitions; to provide for removal of the secretary of the Nebraska Liquor Control Commission; to modify provisions relating to elections; to change provisions relating to liquor licenses; to modify fees; to change a bond requirement; to provide duties; to change provisions relating to hours of sale; to harmonize provisions; and to repeal the original sections, and also sections 53-123.08, 53-124.01, 53-124.02, 53-124.04, 53-124.05, 53-124.07, 53-127, 53-144, and 53-194.01, Reissue Revised Statutes of Nebraska, 1943, and sections 53-124.03 and 53-124.10, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 251A. By Fenger, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 251, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 255. By Cullan, 49th District; H. Peterson, 35th District; Kahle, 37th District; Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of sections 85-980 to 85-9,102; and to declare an emergency.

LEGISLATIVE BILL 256. By Pappas, 42nd District; Morehead, 30th District.

A BILL FOR AN ACT to amend section 79-442, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to allow district officers to be parties to contracts with districts under certain conditions; and to repeal the original section.

LEGISLATIVE BILL 258. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Lundy, 36th District; Fenger, 45th District; Hannibal, 4th District; Barrett, 39th District; V. Johnson, 8th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to bingo; to amend section 28-1115, Reissue Revised Statutes of Nebraska, 1943, and sections 9-124, 9-125, 9-127, 9-133, 9-144, 9-145, 9-158, 9-162, 9-163, 9-168, 9-169, 9-170, and 9-173, Revised Statutes Supplement, 1982; to define and redefine terms; to provide the State Treasurer with certain powers and duties; to provide for electronic selection process as prescribed; to provide an appeal procedure as prescribed; to change provisions regarding compensation; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 260. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 45-338, Revised Statutes Supplement, 1982, relating to installment sales; to provide an exception to provisions when a sale is made for certain purposes; and to repeal the original section.

LEGISLATIVE BILL 275. By Wesely, 26th District.

A BILL FOR AN ACT to adopt the Building Construction Act; to provide penalties; and to provide for severability.

LEGISLATIVE BILL 276. By Hoagland, 6th District; Marsh, 29th District.

A BILL FOR AN ACT to amend sections 42-351, 42-357, and 42-924, Reissue Revised Statutes of Nebraska, 1943, relating to divorce and alimony; to change a provision relating to the district court's jurisdiction as prescribed; to change provisions for a restraining order; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 278. By Landis, 46th District.

A BILL FOR AN ACT to amend section 44-333.01, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide an exception to the requirement of an examination for agents; to define a term; and to repeal the original section.

LEGISLATIVE BILL 280. By Fowler, 27th District; Wiitala, 31st District.

A BILL FOR AN ACT relating to employers and employees; to define terms; to provide duties for employers regarding toxic substances; to provide protections for employees; to provide a penalty; and to provide for severability.

LEGISLATIVE BILL 283. By V. Johnson, 8th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to adoption records; to amend section 71-626.01, Reissue Revised Statutes of Nebraska, 1943, and section 43-113, Revised Statutes Supplement, 1982; to authorize access to records; to harmonize provisions; and to repeal the original sections, and also sections 43-119 to 43-146, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 284. By Cullan, 49th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to technical community colleges; to amend sections 79-2637 and 85-962, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to role and mission; and to repeal the original sections, and also section 85-963, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 286. By Education Committee: Vickers, 38th District, Chairperson; Cullan, 49th District; Fowler, 27th District; Lamb, 43rd District; Wiitala, 31st District; Goll, 16th District.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1982, relating to schools; to change provisions relating to payment of nonresident tuition as prescribed; and to repeal the original section.

LEGISLATIVE BILL 286A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 286, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 287. By Education Committee: Vickers, 38th District, Chairperson; Lamb, 43rd District; Cullan, 49th District; Fowler, 27th District; Wiitala, 31st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,119 and 79-1338, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the School Foundation and Equalization Fund; and to repeal the original sections.

LEGISLATIVE BILL 288. By Education Committee: Vickers, 38th District, Chairperson; Cullan, 49th District; Fowler, 27th District; Wiitala, 31st District; Goll, 16th District.

A BILL FOR AN ACT to amend sections 79-101 and 79-201, Reissue Revised Statutes of Nebraska, 1943, relating to education; to define and redefine terms; to provide for an alternative school year; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 290. By Education Committee: Vickers, 38th District, Chairperson; Cullan, 49th District; Fowler, 27th District; Wiitala, 31st District; Goll, 16th District.

A BILL FOR AN ACT to amend sections 85-901, 85-907 to 85-911, 85-913, and 85-974, Reissue Revised Statutes of Nebraska, 1943, relating to postsecondary education; to restate intent; to change the powers and duties of the Nebraska Coordinating Commission for Postsecondary Education; to change provisions relating to such commission; to provide for a biennial report; and to repeal the original sections, and also section 85-916, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 293. By Lamb, 43rd District; Sieck, 24th District; Carsten, 2nd District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 37-216.08, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to provide for compensation to certain possessors of land for damages from wildlife; and to repeal the original section.

LEGISLATIVE BILL 294. By Lamb, 43rd District; Sieck, 24th District; Carsten, 2nd District; DeCamp, 40th District; Chronister, 18th District; Von Minden, 17th District; Jacobson, 33rd District; H. Peterson, 35th District; R. Peterson, 21st District.

A BILL FOR AN ACT to amend section 37-201, Revised Statutes Supplement, 1982, relating to permits to hunt and fish; to provide exemptions from the permit requirements for certain persons; and to repeal the original section.

LEGISLATIVE BILL 295. By Wesely, 26th District.

A BILL FOR AN ACT to amend sections 87-302, 87-303.08, and 87-307, Reissue Revised Statutes of Nebraska, 1943, relating to deceptive trade practices; to prohibit certain practices; to redefine a term; to provide a penalty; and to repeal the original sections, and also sections 87-308 to 87-310, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 296. By Hoagland, 6th District.

A BILL FOR AN ACT to amend sections 79-1290 and 79-1292, Reissue Revised Statutes of Nebraska, 1943, relating to teachers; to change a provision relating to the recognition of teacher organizations as prescribed; to change a provision relating to the settlement of disputes as prescribed; to provide for the jurisdiction of the Nebraska Commission of Industrial Relations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 297. By DeCamp, 40th District; Hefner, 19th

District; Cullan, 49th District; Schmit, 23rd District; Pappas, 42nd District; Clark, 47th District; Remmers, 1st District; Wagner, 41st District.

A BILL FOR AN ACT to amend sections 39-618.02, 39-634.01, 39-1320, 39-1320.03, 39-1320.06, 39-1320.07, and 39-1320.09, Reissue Revised Statutes of Nebraska, 1943, relating to signs; to state intent; to authorize certain signs as prescribed; to harmonize provisions; to create a fund; and to repeal the original sections, and also sections 39-634.02 and 39-1320.11, Reissue Revised Statutes of Nebraska, 1943, and section 39-1320.01, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 300. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Remmers, 1st District; Clark, 47th District; Labedz, 5th District; Schmit, 23rd District; Newell, 13th District; Beyer, 3rd District.

A BILL FOR AN ACT to amend section 21-2074, Reissue Revised Statutes of Nebraska, 1943, and section 21-2079, Revised Statutes Supplement, 1982, relating to corporations; to change requirements for corporate mergers as prescribed; to provide for shareholder's dissent as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 312. By Hoagland, 6th District.

A BILL FOR AN ACT relating to civil liability; to amend section 39-619, Reissue Revised Statutes of Nebraska, 1943; to provide a method for determining amount of liability; and to repeal the original section, and also section 25-1151, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 314. By R. Peterson, 21st District; Higgins, 9th District.

A BILL FOR AN ACT to adopt the Occupational Therapy Act; and to provide a penalty.

LEGISLATIVE BILL 318. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 60-1001.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska State Patrol; to authorize the use of unmarked patrol cars as prescribed; and to repeal the original section.

LEGISLATIVE BILL 321. By Newell, 13th District.

A BILL FOR AN ACT to amend sections 79-1520, 79-1531, 79-1533, and 79-1540, Reissue Revised Statutes of Nebraska, 1943, and section 79-1522.01, Revised Statutes Supplement, 1982, relating to the school retirement system; to change conditions for receiving retirement benefits as prescribed; to change provisions relating to the monthly formula annuity; to change the amount deposited by school employees as prescribed; to require an additional state deposit to a certain fund; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 324. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 44-407.01, Revised Statutes Supplement, 1982, relating to life insurance; to change provisions relating to certain life insurance policies as prescribed; and to repeal the original section.

LEGISLATIVE BILL 331. By Goodrich, 20th District; Doyle, 14th District; Abboud, 12th District; Hoagland, 6th District; Newell, 13th District; Hannibal, 4th District; Wiitala, 31st District; Pirsch, 10th District; Labedz, 5th District; Kilgarin, 7th District; Beyer, 3rd District.

A BILL FOR AN ACT to amend sections 79-801 and 79-802, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to the annexation of school district territory; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 333. By Goodrich, 20th District.

A BILL FOR AN ACT relating to schools; to provide the governing board of a Class V school district with certain contract powers.

LEGISLATIVE BILL 336. By DeCamp, 40th District; Kilgarin, 7th District; Pappas, 42nd District.

A BILL FOR AN ACT to adopt the State Lottery Act; to amend sections 28-1115, 28-1116, and 77-3425, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715, Revised Statutes Supplement, 1982; to create a fund; to provide an exception to the state income tax; to change provisions relating to lotteries; to provide an exception to budget limitation provisions; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 336A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 336, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

LEGISLATIVE BILL 338. By Wesely, 26th District.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Department of Public Institutions to sell certain property; to provide a right of first refusal to Lancaster County; to provide powers and duties; to provide for use of the proceeds from the sale; and to provide for severability.

LEGISLATIVE BILL 340. By DeCamp, 40th District.

A BILL FOR AN ACT to adopt the Nebraska Foreign Market and Port Development Act; and to declare an emergency.

LEGISLATIVE BILL 341. By Vickers, 38th District; Wiitala, 31st District.

A BILL FOR AN ACT relating to state aid to public schools; to provide the source of funds for the School Foundation and Equalization Fund; to amend section 79-1332, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 341A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 341, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 342. By DeCamp, 40th District; Haberman, 44th District.

A BILL FOR AN ACT to amend section 60-329, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change the registration fee for certain vehicles; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 344. By DeCamp, 40th District.

A BILL FOR AN ACT relating to highways; to require the issuance of bonds for construction of highways; to provide priorities for use of such bonds; to authorize establishment of a toll road; to provide intent; and to declare an emergency.

LEGISLATIVE BILL 344A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 344, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

LEGISLATIVE BILL 348. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 74-1320, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to increase an excise tax; and to repeal the original section.

LEGISLATIVE BILL 354. By Cullan, 49th District.

A BILL FOR AN ACT relating to game and parks; to appropriate funds for the Crawford Fish Hatchery as prescribed; and to declare an emergency.

LEGISLATIVE BILL 355. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 5-105, Revised Statutes Supplement, 1982, relating to apportionment; to change judicial districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 359. By Kilgarin, 7th District; Fenger, 45th District; Pirsch, 10th District.

A BILL FOR AN ACT to amend sections 14-1041 and 14-1042, Reissue Revised Statutes of Nebraska, 1943, relating to metropolitan water and utilities districts; to change provisions relating to payments to cities and villages; to remove obsolete language; and to repeal the original sections.

LEGISLATIVE BILL 360. By DeCamp, 40th District.

A BILL FOR AN ACT relating to release of liability; to prohibit certain statements or releases of liability by an injured person; and to restrict their use as evidence.

LEGISLATIVE BILL 364. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1982, relating to sales and income tax; to change provisions relating to income tax rates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 368. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Chambers, 11th District; R. Johnson, 34th District; Beutler, 28th District; Vickers, 38th District; Goll, 16th District; Higgins, 9th District.

A BILL FOR AN ACT relating to cities; to amend sections 16-305, 17-108.02, and 17-209.02, Reissue Revised Statutes of Nebraska, 1943; to provide requirements and limitations for certain officers; to change provisions relating to employment; and to repeal the original sections.

LEGISLATIVE BILL 371A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 371, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 372. By Landis, 46th District.

A BILL FOR AN ACT to adopt the Community Development Assistance Act; to provide tax credits for businesses providing certain community assistance; to provide duties for the Department of Economic Development and the Tax Commissioner; to amend sections 77-909 and 81-1228, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715 and 77-2734, Revised Statutes Supplement, 1982; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 372A. By Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 372, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 373. By Judiciary Committee: Beutler, 28th District, Chairperson; Jacobson, 33rd District; Pirsch, 10th District; R. Johnson, 34th District; Chronister, 18th District.

A BILL FOR AN ACT relating to probate; to amend section 30-2408, Reissue Revised Statutes of Nebraska, 1943, and sections 33-125 and 33-126.03, Revised Statutes Supplement, 1982; to change a limitation on certain proceedings; to change provisions relating to fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 377. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 39-669.09, Reissue Revised Statutes of Nebraska, 1943, relating to the rules of the road; to provide that individuals be informed of certain rights by law enforcement officers; and to repeal the original section.

LEGISLATIVE BILL 379. By Public Works Committee: Schmit, 23rd District, Chairperson; Lamb, 43rd District; DeCamp, 40th District; Clark, 47th District; Hoagland, 6th District; Wesely, 26th District.

A BILL FOR AN ACT to amend sections 46-657, 46-666, and 46-673.10, Revised Statutes Supplement, 1982, relating to ground water; to define a term; to establish ground water allocation levels as prescribed; to change provisions relating to the establishment of a management area; and to repeal the original sections.

LEGISLATIVE BILL 381. By DeCamp, 40th District; Hoagland, 6th District; Wesely, 26th District; Doyle, 14th District.

A BILL FOR AN ACT to amend section 46-613, Reissue Revised Statutes of Nebraska, 1943, and section 46-660, Revised Statutes Supplement, 1982, relating to ground water; to change provisions relating to preference in use; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 385. By Lamb, 43rd District; Sieck, 24th District; Vickers, 38th District.

A BILL FOR AN ACT relating to certain mentally retarded persons; to amend sections 43-661 and 83-1,143.01, Reissue Revised Statutes of Nebraska, 1943, and section 43-626, Revised Statutes Supplement, 1982; to provide powers and duties for regional offices of mental retardation; to establish procedures for placement; to provide for rules and regulations; to provide an exception; and to repeal the original sections.

LEGISLATIVE BILL 386. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 18-2201, Revised Statutes Supplement, 1982, relating municipalities; to allow a municipality to own or operate community antenna television service; and to repeal the original section.

LEGISLATIVE BILL 388. By Wiitala, 31st District.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1982, relating to schools; to allow attendance at certain schools without payment of certain costs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 390. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 45-103, Revised Statutes Supplement, 1982, relating to interest; to change provisions relating to the payment of interest; and to repeal the original section.

LEGISLATIVE BILL 394. By Kahle, 37th District; L. Johnson, 15th District; Sieck, 24th District; H. Peterson, 35th District; Remmers, 1st District; Von Minden, 17th District, Chronister, 18th District.

A BILL FOR AN ACT relating to county jails; to amend sections 23-2801 to 23-2803, 23-2805, 23-2806, 23-2809, 33-117, 47-120, and 47-121, Revised Statutes Supplement, 1982; to change certain provisions relating to county jails; to provide certain powers and duties for the county board of corrections; to change sheriff's fees; to relieve sheriffs of certain duties; and to repeal the original sections, and also sections 23-1703, 47-118, and 47-119, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 395. By Revenue Committee: Carsten, 2nd District, Chairperson; Landis, 46th District; Pappas, 42nd District; Hefner, 19th District; Sieck, 24th District; Lundy, 36th District.

A BILL FOR AN ACT to amend section 77-2702, Reissue Revised Statutes of Nebraska, 1943, and section 77-2704, Revised Statutes

Supplement, 1982, relating to sales and use taxes; to eliminate a provision relating to water used for manufacturing purposes; to change an exemption; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 398. By Schmit, 23rd District.

A BILL FOR AN ACT to provide an appropriation.

LEGISLATIVE BILL 403. By Rupp, 22nd District.

A BILL FOR AN ACT to amend sections 28-430, 28-434, 28-1439, and 81-2004, Reissue Revised Statutes of Nebraska, 1943, relating to analysis of controlled substances; to change the duties of the Department of Health; to provide duties for the Nebraska State Patrol; and to repeal the original sections.

LEGISLATIVE BILL 403A. By Rupp, 22nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 403, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 405. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 24-559, Revised Statutes Supplement, 1982, relating to the recording of probate proceedings; to provide for additional filing requirements when real estate is affected; and to repeal the original section.

LEGISLATIVE BILL 407. By Warner, 25th District.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Department of Public Institutions to sell certain land to the Department of Roads; and to provide severability.

LEGISLATIVE BILL 416. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; R. Peterson, 21st District; Higgins, 9th District; Barrett, 39th District; Rupp, 22nd District; Doyle, 14th District; Wesely, 26th District.

A BILL FOR AN ACT to amend section 71-2017.02, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to allow certain unlicensed persons to administer medications as prescribed; and to repeal the original section.

LEGISLATIVE BILL 416A. By Fenger, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 416, Eighty-eighth Legislature, First

First Session, 1983.

LEGISLATIVE BILL 418. By Fenger, 45th District.

A BILL FOR AN ACT to adopt the Ophthalmic Dispensing Act; to harmonize provisions; to amend sections 71-102, 71-110, 71-112, 71-113, 71-116, and 71-122, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty; to provide operative dates; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 419. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 79-444, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change certain initial entrance requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 420. By Clark, 47th District.

A BILL FOR AN ACT relating to liability; to define terms; and to relieve certain people from liability when dealing with hazardous materials as prescribed.

LEGISLATIVE BILL 422. By Beutler, 28th District.

A BILL FOR AN ACT relating to apportionment; to amend sections 5-105 and 24-503, Revised Statutes Supplement, 1982; to change district and county court judicial districts as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 5-105.01 and 5-105.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 426. By Beutler, 28th District.

A BILL FOR AN ACT relating to pollution of ground water; to amend sections 2-3267, 81-1502, and 81-1532, Reissue Revised Statutes of Nebraska, 1943, and section 2-1579, Revised Statutes Supplement, 1982; to change provisions relating to the use of certain funds; to define terms; to state intent; to provide duties and powers; to authorize a tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 426A. By Beutler, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 426, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 430. By Newell, 13th District; Vickers, 38th District; Wiitala, 31st District; Fowler, 27th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to communication; to provide for a study to extend public radio service as prescribed.

LEGISLATIVE BILL 431. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 46-666, Revised Statutes Supplement, 1982, relating to ground water; to change provisions relating to the allocation of ground water in control and management areas; and to repeal the original section.

LEGISLATIVE BILL 441. By Vickers, 38th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to insanity; to eliminate a defense to criminal conduct; to provide for treatment and commitment as prescribed; to provide duties; to repeal sections 29-2203 and 29-3701 to 29-3706, Revised Statutes Supplement, 1982; and to declare an emergency.

LEGISLATIVE BILL 442. By Landis, 46th District.

A BILL FOR AN ACT to amend section 15-1006, Revised Statutes Supplement, 1982, relating to pensions; to increase benefits for firefighters and police officers; to provide benefits for survivors as prescribed; to repeal a provision relating to social security and pension plans; and to repeal the original section, and also section 15-1010, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 443. By Sieck, 24th District; Von Minden, 17th District; Kahle, 37th District.

A BILL FOR AN ACT to amend section 24-536, Reissue Revised Statutes of Nebraska, 1943, relating to trials; to provide another exception to trial by jury; and to repeal the original section.

LEGISLATIVE BILL 444. By Sieck, 24th District; Remmers, 1st District.

A BILL FOR AN ACT to adopt the Public Education Income Tax Act.

LEGISLATIVE BILL 445. By Eret, 32nd District.

A BILL FOR AN ACT relating to schools; to amend sections 77-3424, 79-487, 79-810, 79-903, and 79-1007, Reissue Revised Statutes of Nebraska, 1943; to allow a tax to be levied for the transportation of school children as prescribed; to exempt such tax from certain limitations; and to repeal the original sections.

LEGISLATIVE BILL 446. By Wiitala, 31st District.

A BILL FOR AN ACT relating to education; to provide intent; to create the Professional Staff Development Fund; to provide application criteria; to provide duties for the State Department of Education; to provide limitations on aspects of funding; and to create an advisory committee.

LEGISLATIVE BILL 450. By Fowler, 27th District; Cullan, 49th District; Wiitala, 31st District.

A BILL FOR AN ACT relating to peace officers; to create a County Peace Officers Retirement System as prescribed; to create a fund; to amend sections 33-117, 33-135.01, and 37-603, Revised Statutes Supplement, 1982, and sections 77-1720, 77-2024, 83-337, and 83-424, Reissue Revised Statutes of Nebraska, 1943; to change fees; to change distribution of such fees; to delete mileage provisions; to harmonize provisions; to provide how certain payments are to be treated; and to repeal the original sections.

LEGISLATIVE BILL 450A. By Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 450, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 453. By L. Johnson, 15th District.

A BILL FOR AN ACT to amend section 81-885.21, Reissue Revised Statutes of Nebraska, 1943, relating to the State Real Estate Commission; to change provisions for trust account deposits; and to repeal the original section.

LEGISLATIVE BILL 455. By Landis, 46th District.

A BILL FOR AN ACT relating to crimes and punishment; to amend sections 83-170, 83-185, 83-192, 83-1,105, 83-1,121, 83-1,122, 83-1,123, 83-4,122, 83-918, and 83-920, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to establish a commission on sentencing guidelines; to provide standards for sentencing; to provide duties; to provide for presentence investigations by the court; to change provisions relating to limits for terms of sentences; to provide for appeals of sentences; to provide procedures and hearings for paroles; to change provisions relating to revocation of parole; to harmonize provisions; to repeal certain procedures for appealing a sentence; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 29-2261 and 83-1,107 to 83-1,118, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2320 to 29-2325, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 457. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 79-1522.01, Revised Statutes Supplement, 1982, relating to the school retirement system; to change the annuity formula; and to repeal the original section.

LEGISLATIVE BILL 458. By Hoagland, 6th District.

A BILL FOR AN ACT to amend section 46-603, Reissue Revised Statutes of Nebraska, 1943, and section 46-602, Revised Statutes Supplement, 1982, relating to ground water; to state intent; to define terms; to provide for well construction and other standards as prescribed; to provide powers and duties; to provide a penalty; to harmonize provisions; to authorize the requiring of certain information as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 459. By Newell, 13th District.

A BILL FOR AN ACT to amend section 84-133, Reissue Revised Statutes of Nebraska, 1943, relating to the Governor; to rename the Policy Research Office as prescribed; to provide duties for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 460. By Newell, 13th District.

A BILL FOR AN ACT to amend section 23-343.99, Revised Statutes Supplement, 1982, relating to hospital authorities; to change provisions relating to issuance of bonds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 466. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Rupp, 22nd District; Jacobson, 33rd District; Fowler, 27th District; Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 37-432 and 77-27,132, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to provide for the protection of certain species; to create a fund; to provide for contributions from tax refunds as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 466A. By Labedz, 5th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 466, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 467. By Newell, 13th District.

A BILL FOR AN ACT to amend section 79-402, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change certain provisions relating to school district reorganization; and to repeal the original section.

LEGISLATIVE BILL 470. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT relating to public health and welfare; to change provisions relating to the Board of Examiners in Dentistry; to require continuing education for dentists; to provide standards and inspections for certain practitioner's facilities; to define a term; to eliminate a payment; to change provisions relating to examinations as prescribed; to eliminate a provision terminating a board; to amend sections 71-122.01, 71-129, 71-185, and 81-197, Reissue Revised Statutes of Nebraska, 1943, and section 71-133, Revised Statutes Supplement, 1982; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 470A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 471. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT to amend sections 81-8,158, 81-8,159, 81-8,162, and 81-8,165 to 81-8,183, Reissue Revised Statutes of Nebraska, 1943, relating to collection agencies; to eliminate the Nebraska Collection Agency Board and to transfer the powers and duties of such board to the Secretary of State; to provide an operative date; to repeal the original sections, and also sections 81-8,160, 81-8,161, 81-8,163, and 81-8,164, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 473. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT relating to accountants; to amend sections 1-114 to 1-118, 1-122, 1-125, 1-131, 1-132, 1-136.02, 1-136.04, 1-151, 81-198, 84-301, and 84-304, Reissue Revised Statutes of Nebraska, 1943, and sections 1-107, 1-119, 1-120, 1-124, 1-135, 1-136, and 1-136.01, Revised Statutes Supplement, 1982; to change provisions relating to the Nebraska State Board of Public Accountancy; to change examination and licensing requirements for certain accountants; to provide powers and duties for the board; to change fees; to change provisions relating to the Auditor of Public Accounts as prescribed; to provide for peer review; to provide for severability; to repeal the original sections, and also sections 1-128 and 1-129, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 475. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to the Abstracters Board of Examiners; to amend sections 76-501, 76-506 to 76-508, 76-510 to 76-515, 76-519, 76-521 to 76-524, 76-526, 76-531 to 76-534, and 81-198, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to define and redefine terms; to create the Abstracters Advisory Board to the Department of Insurance; to provide the Department of Insurance with additional powers and duties as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections, and also section 76-520, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 477. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th Distict.

A BILL FOR AN ACT to amend sections 81-198, 81-8,186, 81-8,187, 81-8,194, 81-8,195, 81-8,197, and 81-8,199 to 81-8,202, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Landscape Architects; to provide intent; to change provisions relating to landscape architects as prescribed; to provide for professional development as prescribed; to change provisions relating to fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 477A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 477, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

LEGISLATIVE BILL 478. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT to amend sections 81-198, 81-8,110.01, 81-8,110.08, 81-8,115, 81-8,117, and 81-8,123, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Examiners for Land Surveyors; to change provisions relating to land surveyors; to eliminate certain requirements as prescribed; to provide for professional development as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 478A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 478, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

LEGISLATIVE BILL 480. By Warner, 25th District; Marsh, 29th District; Goodrich, 20th District; Wagner, 41st District; Kahle, 37th District; Kilgarin, 7th District; H. Peterson, 35th District; Morehead, 30th District; L. Johnson, 15th District.

A BILL FOR AN ACT to amend sections 81-198, 81-885.07, 81-885.09 to 81-885.14, 81-885.21, 81-885.30, 81-8,278, 81-8,280, 81-8,282, 81-8,283, and 81-8,285, Reissue Revised Statutes of Nebraska, 1943, relating to the State Real Estate Commission; to provide a statement of purpose; to change powers and duties; to change provisions relating to brokers, salespersons, and appraisers; to change appeal provisions; to provide for certain inactive licenses; to provide for professional development; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 481. By Warner, 25th District; Marsh, 29th District; Goodrich, 20th District; L. Johnson, 15th District; Kilgarin, 7th District; H. Peterson, 35th District; Morehead, 30th District; Kahle, 37th District.

A BILL FOR AN ACT relating to public health and welfare; to change the name of the State Board of Examiners of Psychologists; to change provisions relating to such board; to redefine terms; to state intent; to provide findings; to provide procedures for handling complaints; to provide for defining conflicts of interest; to provide duties for the Director of Health; to provide for biennial license renewal; to change membership on certain examining boards; to change provisions relating to examinations; to change provisions relating to certain licenses; to harmonize provisions; to change fees; to change provisions relating to clinical psychologists; to eliminate a provision which terminated the State Board of Examiners of Psychologists; to amend sections 71-101, 71-102, 71-109, 71-110, 71-112, 71-113, 71-114, 71-116, 71-122, 71-131, 71-139, 71-139.01, 71-140, 71-149, 71-155, 71-161.09, 71-3801, 71-3802, 71-3806, 71-3807, 71-3808, 71-3810, 71-3811, 71-3813, 71-3814, 71-3817, 71-3818, 71-3819, 71-3825, 71-3827, 71-3828, 71-3829, 71-3832 to 71-3836, and 81-197, Reissue Revised Statutes of Nebraska, 1943, and sections 71-133 and 71-162, Revised Statutes Supplement, 1982; to repeal the original sections, and also sections 71-3803, 71-3804, 71-3805, 71-3809, 71-3812, 71-3816, 71-3820 to 71-3824, and 71-3831, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 481A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 481, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

LEGISLATIVE BILL 482. By Higgins, 9th District.

A BILL FOR AN ACT to amend section 39-671, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to provide for the removal of illegally parked vehicles; and to repeal the original section.

LEGISLATIVE BILL 485. By Pirsch, 10th District.

A BILL FOR AN ACT to amend sections 39-6,136 and 39-6,170, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to change provisions relating to windshield, window, and rear view mirror requirements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 489. By Landis, 46th District; V. Johnson, 8th District.

A BILL FOR AN ACT relating to criminal procedure; to create the Nebraska Sentencing Guidelines Commission; to provide powers and duties; and to create a sentencing hearing procedure as prescribed.

LEGISLATIVE BILL 491. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to hospitals; to amend section 21-1903, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1982; to remove the property tax exemption for hospitals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 492. By V. Johnson, 8th District.

A BILL FOR AN ACT to amend sections 33-125, 33-126.02, 33-126.04, and 33-126.05, Revised Statutes Supplement, 1982, relating to fees; to change the fees in county court as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 496. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to employers; to prohibit certain actions by employers or their officers or agents as prescribed; to define terms; and to provide a penalty.

LEGISLATIVE BILL 500. By Schmit, 23rd District; Barrett, 39th District; Sieck, 24th District.

A BILL FOR AN ACT to amend section 83-183, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to provide additional authority to the Department of Correctional Services; to allow inmate labor to be used in certain situations; to provide funding for such purposes; and to repeal the original section.

LEGISLATIVE BILL 500A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 500, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 502. By Schmit, 23rd District; Pappas, 42nd District.

A BILL FOR AN ACT relating to agricultural equipment; to define terms; to provide duties for certain equipment manufacturers; and to provide procedures and limitations.

LEGISLATIVE BILL 503. By Schmit, 23rd District.

A BILL FOR AN ACT to create a Railroad Branch Line Improvement Fund; to provide for its administration; to provide for assistance agreements; to eliminate the Agricultural and Industrial Branch Rail Revitalization Act of 1980; and to repeal sections 74-1401 to 74-1429, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 503A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 503, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 504. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 2-3323, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3634 and 2-4019, Revised Statutes Supplement, 1982, relating to agriculture; to provide for coordination of certain commodity programs as prescribed; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 507. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 43-2,119, Revised Statutes Supplement, 1982, relating to infants; to authorize an additional juvenile court judge in certain counties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 510. By Beutler, 28th District.

A BILL FOR AN ACT to amend sections 43-101, 43-102, 43-104, and 43-109, Reissue Revised Statutes of Nebraska, 1943; relating to adoption; to allow the adoption of certain adults; and to repeal the original sections.

LEGISLATIVE BILL 513. By Abboud, 12th District.

A BILL FOR AN ACT relating to certain public utilities; to authorize access to certain documents and records of public utilities by the municipalities they serve; and to provide penalties.

LEGISLATIVE BILL 514. By Cullan, 49th District.

A BILL FOR AN ACT relating to education; to develop an area of excellence program for the state colleges; to provide duties for the Board of Trustees of the Nebraska State Colleges; and to provide funding for research of such purpose.

LEGISLATIVE BILL 516. By Doyle, 14th District; Labedz, 5th District.

A BILL FOR AN ACT to amend sections 81-198, 81-840 to 81-842, and 81-847 to 81-855, Reissue Revised Statutes of Nebraska, 1943, relating to the Board of Examiners for Professional Engineers and Architects; to extend the existence of the board; to provide for additional membership to the board as prescribed; to change the compensation of board members; to change provisions relating to registration and qualifications of applicants; to change fees; to provide a code of practice; to modify penalties; to change certain business practices of engineers and architects; and to repeal the original sections.

LEGISLATIVE BILL 517. By Fenger, 45th District.

A BILL FOR AN ACT to amend section 81-641, Revised Statutes Supplement, 1982, relating to the Department of Health; to eliminate the cancer registry; to harmonize provisions; to repeal the original section, and also sections 81-642 to 81-650, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 518. By Kahle, 37th District.

A BILL FOR AN ACT to amend sections 32-705, Reissue Revised Statutes of Nebraska, 1943, and section 32-713.01, Revised Statutes Supplement, 1982, relating to elections; to change provisions relating to circulation of petitions; to provide duties for sponsors of petitions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 525. By Schmit, 23rd District; Kilgarin, 7th District; Chronister, 18th District.

A BILL FOR AN ACT relating to youth services; to amend sections 29-2246, 29-2257, 43-105, 43-106.01, 43-503, 43-701, 43-707, 43-901, 43-905, 68-1202, 68-1405, 71-1401, 71-1403, 71-1901, 71-1904, 71-2208, 83-170, 83-171, and 83-926 to 83-930, Reissue Revised Statutes of Nebraska, 1943, section 43-117, Revised Statutes Supplement, 1971, and sections 28-710, 28-711, 28-713, 42-358.09, 43-107, 43-284, 43-285, 43-287, 43-512, 43-515, 43-1301, 43-1303, 48-647, 68-309, 68-703, and 68-717, Revised Statutes Supplement, 1982; to create a Youth Service Commission; to provide for members and employees; to provide legislative intent; to provide powers and duties; to transfer powers, duties, facilities, and staff from certain other state agencies; to provide an operative date; and to repeal the original sections, and also sections 29-2255 and 83-925, Reissue Revised Statutes of Nebraska, 1943, and section 43-1302, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 526. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Vickers, 38th District; Schmit, 23rd District; Goodrich, 20th District.

A BILL FOR AN ACT relating to retirement; to require certain cities or villages to create retirement committees; to provide duties; to amend sections 19-3501, 84-1501, and 84-1503, Reissue Revised Statutes of Nebraska, 1943, and sections 15-1001, 16-330, and 35-201, Revised Statutes Supplement, 1982; to harmonize provisions; to increase the number of members and change requirements for membership of the Public Employees Retirement Board; to provide additional duties of the board; to create advisory committees; and to repeal the original sections.

LEGISLATIVE BILL 526A. By Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 526, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 527. By Appropriations Committee: Warner, 25th District, Chairperson; Morehead, 30th District; Kahle, 37th District; L. Johnson, 15th District; Wagner, 41st District.

A BILL FOR AN ACT relating to schools; to create funds for the Nebraska School for the Visually Handicapped and the Nebraska School for the Deaf; to harmonize provisions; and to repeal sections 79-1910 and 79-2009, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 528. By Warner, 25th District.

A BILL FOR AN ACT relating to water; to provide intent; to provide for a special water master; to provide qualifications; to provide duties; to amend section 33-105, Revised Statutes Supplement, 1982; to impose a fee for interbasin water transfers; and to repeal the original section.

LEGISLATIVE BILL 529. By Warner, 25th District.

A BILL FOR AN ACT to amend section 81-1335, Reissue Revised Statutes of Nebraska, 1943, relating to the personnel system; to provide for an annual percentage increase in salaries as prescribed; and to repeal the original section.

LEGISLATIVE BILL 530. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 66-410, 66-428, and 66-471, Reissue Revised Statutes of Nebraska, 1943, relating to motor fuel taxes; to increase the tax on certain fuels as prescribed; to provide an operative date; to repeal the original sections, and also section 66-472, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 534. By Agriculture and Environment Committee: Haberman, 44th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Pappas, 42nd District; Wiitala, 31st District.

A BILL FOR AN ACT to adopt the Pseudorabies Control Act; and to provide a penalty.

LEGISLATIVE BILL 540. By Wesely, 26th District.

A BILL FOR AN ACT relating to disabled persons; to amend sections 14-564, 23-321, 23-323, 70-637, and 81-153, Reissue Revised Statutes of Nebraska, 1943, and sections 16-321 and 17-568.01, Revised Statutes Supplement, 1982; to define terms; to allow certain public bodies to negotiate directly with sheltered workshops for products and services; to provide severability; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 543. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 48-626, Revised Statutes Supplement, 1982, relating to employment security; to increase maximum benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 544. By Doyle, 14th District; Labedz, 5th District.

A BILL FOR AN ACT relating to counties; to amend sections 23-1901, 32-308, and 39-1506, Revised Statutes Supplement, 1982; to create the office of county engineer in certain counties; to change provisions relating to county surveyors; to change election provisions; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 545. By Public Works Committee: Schmit, 23rd

District, Chairperson; Lamb, 43rd District; Clark, 47th District; Doyle, 14th District; DeCamp, 40th District; Beutler, 28th District.

A BILL FOR AN ACT to adopt the Water Resources Development Act.

LEGISLATIVE BILL 551. By Eret, 32nd District; Wiitala, 31st District.

A BILL FOR AN ACT relating to certain agricultural commodities; to prohibit the sale of certain commodities below minimum prices; to provide powers and duties for the Director of Agriculture; and to provide for fines.

LEGISLATIVE BILL 552. By Fowler, 27th District; Cullan, 49th District.

A BILL FOR AN ACT to amend section 35-212, Revised Statutes Supplement, 1982, relating to firefighters; to provide for a deferred annuity for certain terminated firefighters as prescribed; and to repeal the original section.

LEGISLATIVE BILL 553. By Chambers, 11th District.

A BILL FOR AN ACT relating to investments; to provide intent; to define terms; and to prohibit certain investments as prescribed.

LEGISLATIVE BILL 554. By DeCamp, 40th District.

A BILL FOR AN ACT relating to pharmaceutical services; to prohibit certain practices; to allow third party prescription programs; to provide for a penalty; and to provide for severability.

LEGISLATIVE BILL 558. By DeCamp, 40th District.

A BILL FOR AN ACT relating to cable utility systems; to amend sections 18-1803, 70-651.03, 70-651.04, and 70-655, Reissue Revised Statutes of Nebraska, 1943, and section 18-2414, Revised Statutes Supplement, 1982; to provide intent; to allow public power districts, municipalities, and certain municipal agencies to own and operate cable utility systems; to define terms; to provide for financing; to provide for program selection boards; to limit liability and rates as prescribed; to change provisions relating to the gross revenue tax of public power districts; and to repeal the original sections.

LEGISLATIVE BILL 559. By Schmit, 23rd District; DeCamp, 40th District; Beyer, 3rd District; Clark, 47th District.

A BILL FOR AN ACT relating to pipelines; to amend sections 57-1101, 57-1103, 75-501, and 75-502, Reissue Revised Statutes of Nebraska, 1943; to provide for eminent domain for certain pipelines as prescribed; to expand easements for transportation of coal as prescribed; to require a permit when using water as a medium for transportation of certain products; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 560. By Wesely, 26th District; Hannibal, 4th District; H. Peterson, 35th District; Abboud, 12th District.

A BILL FOR AN ACT relating to revenue and taxation; to define terms; to provide for a tax credit for businesses which create jobs; to provide a penalty; and to provide for severability.

LEGISLATIVE BILL 561. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 71-1,133, 71-1,135.02, and 71-1,135.04, Revised Statutes Supplement, 1982, relating to optometry; to change provisions relating to the use of pharmaceutical agents; to eliminate a definition; and to repeal the original sections, and also section 71-1,135.01, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 564. By Executive Board Committee: V. Johnson, 8th District, Chairperson; Warner, 25th District; Labedz, 5th District; Wagner, 41st District; Nichol, 48th District; Beyer, 3rd District; Barrett, 39th District; Carsten, 2nd District; Schmit, 23rd District; Marsh, 29th District.

A BILL FOR AN ACT to repeal section 50-421, Revised Statutes Supplement, 1982, relating to the Nebraska Transportation Advisory Committee.

LEGISLATIVE BILL 568. By Education Committee: Vickers, 38th District, Chairperson; Fowler, 27th District; Hoagland, 6th District; Eret, 32nd District; Wiitala, 31st District.

A BILL FOR AN ACT relating to vocational education; to provide for programs of vocational education.

LEGISLATIVE BILL 568A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 568, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 569. By Hoagland, 6th District.

A BILL FOR AN ACT relating to crimes and offenses; to prohibit the manufacture or distribution of imitation controlled substances as prescribed; to define terms; to provide penalties; to provide exceptions; to provide for forfeitures; to amend sections 28-101, 28-401, 28-416, and 28-431, Revised Statutes Supplement, 1982; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 576. By Schmit, 23rd District.

A BILL FOR AN ACT relating to environment; to amend sections 77-27,149, 81-1505, 81-1506, and 81-1508, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to authorize rules and regulations relating to injection wells; to eliminate provisions relating to preliminary orders and hearings; to provide a penalty; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 578. By Fowler, 27th District; Doyle, 14th District.

A BILL FOR AN ACT to amend sections 60-1401.02, 60-1403.01, 60-1404, 60-1406, 60-1407.01, 60-1411, 60-1411.01, 60-1416, 60-1417, 60-2301, 60-2303, and 60-2307, Reissue Revised Statutes of Nebraska, 1943, and sections 60-320, 60-1411.02, and 60-1411.03, Revised Statutes Supplement, 1982, relating to motor vehicles; to change a provision relating to additional dealer plates; to define and redefine terms; to change license restrictions as prescribed; to rename a position; to change a provision relating to license classifications as prescribed; to change fees; to provide additional illegal practices; to eliminate an advertising prohibition; to change penalties; and to repeal the original sections.

LEGISLATIVE BILL 580. By Wiitala, 31st District; Haberman, 44th District; Eret, 32nd District; Pappas, 42nd District; Remmers, 1st District; Chronister, 18th District; R. Peterson, 21st District.

A BILL FOR AN ACT to amend section 89-187, Reissue Revised Statutes of Nebraska, 1943, relating to weights and measures; to provide that fees are to be set by regulation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 581. By Vickers, 38th District; Barrett, 39th District; Labedz, 5th District; Warner, 25th District.

A BILL FOR AN ACT to amend sections 81-1335 and 81-1339, Reissue Revised Statutes of Nebraska, 1943, relating to the personnel system; to eliminate discriminatory factor in salary surveys; to change provisions relating to the review of the classification and pay plan; and to repeal the original sections.

LEGISLATIVE BILL 582. By Fowler, 27th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 15-845 to 15-848, 77-2301, 77-2305, 77-2307, 77-2312, 77-2318, 77-2326.04, 77-2344, 77-2345, 77-2350, 77-2352, 77-2355, and 77-2362, Reissue Revised Statutes of Nebraska, 1943, relating to the deposit of government funds; to define terms; to change provisions relating to the depositories of funds of governmental subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 586. By Schmit, 23rd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to revenue and taxation; to create certain funds; to provide for distribution of funds to political subdivisions; to change provisions relating to homesteads; to change provisions relating to sales and use tax; to define terms; to provide funding and procedures for managing certain natural resources; to provide for loans and grants; to create a board; to direct the Legislature to annually appropriate certain general funds; to provide priorities; to eliminate local sales and use taxes and funding provisions; to amend sections 2-3264, 77-2702, 77-2703, 77-27,132, and 77-3506, Reissue Revised Statutes of Nebraska, 1943, and section 77-2705, Revised Statutes Supplement, 1982; to provide operative dates; to repeal the original sections, and also sections 77-27,139, 77-27,140, 77-27,142 to 77-27,142.05, and 77-27,143 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, and sections 77-27,136 to 77-27,137.02, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 590. By Chronister, 18th District.

A BILL FOR AN ACT relating to vehicular pursuits; to amend sections 23-2420 and 81-8,235, Reissue Revised Statutes of Nebraska, 1943, and section 25-21,183, Revised Statutes Supplement, 1982; to change conditions of liability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 591. By Law Enforcement and Justice Advisory Committee: Beutler, 28th District, Chairperson; Von Minden, 17th District; Chronister, 18th District; R. Johnson, 34th District; Abboud, 12th District; Jacobson, 33rd District.

A BILL FOR AN ACT relating to penal and correctional facilities; to define terms; to provide for mandatory disposition of instate detainers; and to declare an emergency.

LEGISLATIVE BILL 595. By Hoagland, 6th District.

A BILL FOR AN ACT to amend section 46-658, Revised Statutes Supplement, 1982, relating to ground water; to modify procedures for designation of a control area; and to repeal the original section.

LEGISLATIVE BILL 596. By Hoagland, 6th District.

A BILL FOR AN ACT relating to water; to amend sections 2-3243, 46-231, 46-233, 46-237, and 46-240, Reissue Revised Statutes of Nebraska, 1943, and sections 33-105, 46-204, 46-235, and 46-238, Revised Statutes Supplement, 1982; to state intent; to define terms; to authorize designation of protected stream reaches as prescribed; to provide powers and duties for natural resources districts and the Department of Water Resources; to authorize appropriations for instream uses; to provide a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 597. By Kilgarin, 7th District; DeCamp, 40th District; Fowler, 27th District; V. Johnson, 8th District; Schmit, 23rd District; Kahle, 37th District; Hefner, 19th District; Carsten, 2nd District; Chambers, 11th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1982; to reinstate the property tax on certain classes of personal property as prescribed; to revive certain statutory provisions; and to repeal the original section, and also Laws 1977, LB 518, sections 14 to 16.

LEGISLATIVE BILL 598. By Schmit, 23rd District.

A BILL FOR AN ACT relating to court employees; to amend section 29-2248, Reissue Revised Statutes of Nebraska, 1943, and section 24-342.02, Revised Statutes Supplement, 1982; to provide duties for the Nebraska District Court Judges Association; to eliminate a duty of the Supreme Court; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 601. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to make appropriations for the expenses of Nebraska State Government, including capital construction and capital construction reaffirmations and reappropriations, for the year ending June 30, 1984; to amend Laws 1982, Second Special Session, LB 1, sections 62, 64, 65, 67, 73, and 74, and Laws 1982, LB 761, sections 122, 123, and 128; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 606. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 81-8,255, Reissue Revised Statutes of Nebraska, 1943, relating to public bodies; to change membership on a commission; to eliminate certain provisions relating to foster care; to eliminate an employee suggestion system; to eliminate a forms management program; to repeal the original section, and also sections 81-1162 to 81-1169, 81-1346 to 81-1348, and 81-1350 to 81-1354, Reissue Revised Statutes of Nebraska, 1943, and sections

43-1301 to 43-1318, Revised Statutes Supplement, 1982; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 623. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Chambers, 11th District; Cullan, 49th District; Vickers, 38th District; Higgins, 9th District; R. Johnson, 34th District; Goll, 16th District.

A BILL FOR AN ACT to amend sections 32-428.06, 32-428.10, 32-503.01, 32-808, 32-1001.39, and 32-1001.40, Reissue Revised Statutes of Nebraska, 1943, and sections 32-265, 32-504, 32-519.01, 32-537, and 32-803, Revised Statutes Supplement, 1982, relating to elections; to provide certain provisions for special elections as prescribed; to change a provision relating to voter registration; to change provisions relating to write-in candidates as prescribed; to change provisions relating to the nomination of candidates; to change petition requirements as prescribed; to change provisions relating to the withdrawal of candidates; to change provisions relating to absentee ballots and contested elections as prescribed; and to repeal the original sections, and also section 32-428.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 625. By Law Enforcement and Justice Advisory Committee: Beutler, 28th District, Chairperson; Pirsch, 10th District; Chambers, 11th District; Von Minden, 17th District; Jacobson, 33rd District; Chronister, 18th District; R. Johnson, 34th District; Abboud, 12th District.

A BILL FOR AN ACT to amend section 86-701, Reissue Revised Statutes of Nebraska, 1943, relating to telecommunications; to redefine a term; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 631. By DeCamp, 40th District; Chronister, 18th District; Pappas, 42nd District.

A BILL FOR AN ACT to adopt the Industrial Financing Corporation Act.

LEGISLATIVE RESOLUTION 1CA.

Introduced by Warner, 25th District.

A Resolution to propose an amendment to Article III, section 22, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 22, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 22. The ~~Each~~Legislature shall, during the session held each odd-numbered year, make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. Appropriations for new programs may be made for the four succeeding years. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to provide for biennial appropriations and to permit four year appropriations for new programs.
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 2CA.

Introduced by Pirsch, 10th District; Hoagland, 6th District.

A Resolution to propose an amendment to Article VII, section 5, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the primary election in May 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 5, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 5. ~~All~~ (1) Except as provided in subsection (2) of this section, all fines, penalties, and license money, arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively, where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, ~~by- laws~~ bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county, shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: Seventy-five per cent in a fund for state highways, and twenty-five per cent to the county general fund where the fine or penalty is paid.

(2) Fifty per cent of all proceeds derived from property forfeited or confiscated pursuant to law shall belong and be paid over to the counties for drug enforcement purposes as the Legislature may provide.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to allow proceeds from certain forfeited property to be divided equally between the school fund and counties for drug enforcement purposes.
>
> For
>
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 3CA.

Introduced by Hefner, 19th District.

A Resolution to propose an amendment to Article III, section 22, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 22, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 22. Each Legislature shall make appropriations for the expenses of the Government. ~~And whenever~~ Whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject. Whenever any act of the Legislature requires that any new program or service be provided by any municipality, county, or other political subdivision, and whenever the Legislature requires the expansion or change in any such program or service, which creation or change will result in an increased expenditure of funds by the affected political subdivisions, the Legislature shall appropriate the necessary funds for the benefit of the affected political subdivisions each and every year during which the program or service is required to continue.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to require the Legislature to appropriate funds for certain new or revised programs and services provided by political subdivisions.
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 4CA.

Introduced by Wesely, 26th District; Beutler, 28th District.

A Resolution to propose an amendment to Article III, sections 10 and 14, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 10 and 14, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. ~~The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided.~~ A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker ~~to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor~~ and such other presiding officers as it may determine. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Sec. 14. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The ~~Lieutenant Governor, or the Speaker if acting as~~ Speaker or other designated presiding officer~~,~~ shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to remove the Lieutenant Governor as presiding officer of the Legislature.
>
> For
>
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 10CA.

Introduced by Beyer, 3rd District.

A Resolution to propose an amendment to Article III, section 24, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 24, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 24. The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise where the consideration for a chance to participate involves the payment of money for the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time; PROVIDED, that it may authorize and regulate (1) other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises and (2) a statewide lottery run by the State of Nebraska whose purpose shall be to provide revenue to the state. Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the parimutuel or certificate method, when conducted by licensees within the race track enclosure at licensed horse race meetings, or to prohibit the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license; PROVIDED, bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to permit a state lottery to be established.
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 12CA.

Introduced by Goodrich, 20th District; Labedz, 5th District; Higgins, 9th District; Hoagland, 6th District; Fowler, 27th District; Beutler, 28th District; Wesely, 26th District; R. Johnson, 34th District; Newell, 13th District; Barrett, 39th District; Nichol, 48th District; Cullan, 49th District; Rupp, 22nd District; Morehead, 30th District; Doyle, 14th District; Carsten, 2nd District; Chronister, 18th District; Schmit, 23rd District; DeCamp, 40th District; Eret, 32nd District.

A Resolution to propose an amendment to Article III, section 10, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. Beginning ~~with the year 1975~~ December 1, 1985, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the ~~first Wednesday after the first~~ second Monday in ~~January~~ December of each year and the terms of members shall commence on such date. The duration of regular sessions held shall not exceed ninety legislative days in ~~odd-numbered~~ sessions commencing in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in ~~even-numbered~~ sessions commencing in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session ~~held~~ commencing in an ~~odd-numbered~~ even-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to change the date when the Legislature meets in regular session and when the terms of members shall commence.
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 15CA.

Introduced by Morehead, 30th District; Labedz, 5th District.

A Resolution to propose an amendment to Article VIII of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII of the Constitution of Nebraska, by adding a new section 13 which is hereby proposed by the Legislature:

"Sec. 13. During the period commencing on January 1, 1985, and ending on December 31, 1987, the state and every political subdivision thereof shall be prohibited from imposing a sales or use tax on the sale or use of food or food products for human consumption. As used in this section, food does not include meals prepared for immediate consumption on or, at the discretion of the Legislature, off the premises of the retailer.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to prohibit the imposition of a sales or use tax on the sale or use of food for a prescribed period.
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 17CA.

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article VIII, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, of the Constitution of Nebraska, by adding to such Article a new section 13, which is hereby proposed by the Legislature:

"Sec. 13. Beginning January 1, 1985, the maximum amount of ad valorem tax levied on any property for any taxable year shall not exceed one and one half per cent of the actual value of such property as determined by the assessment rolls, except for ad valorem taxes levied for retiring, refunding, or servicing indebtedness approved by the voters according to law. Such limitation may be increased by an affirmative vote of three-fourths of the members of the Legislature, except that any such increased limitation shall not be effective for more than two taxable years after any such vote.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to limit the amount of tax levied on property and to authorize increases as prescribed.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 18CA.

Introduced by V. Johnson, 8th District.

A Resolution to propose an amendment to Article III, section 19, and Article XV, section 17, and the repeal of Article XIII, section 3, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRAKSA, FIRST SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 19, and Article XV, section 17, and repeal of Article XIII, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Article III, Sec. 19. The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement, nor shall the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, be increased or diminished during his or her term of office except that, when there are members elected or appointed to the Legislature or officers elected or appointed to a court, board, or commission having more than one member and the terms of one or more members commence and end at different times, the compensation of all members of the Legislature or of such court, board, or commission may be increased or diminished at the beginning of the full term of any member thereof. Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section. ~~or of Article XIII, section 3 of the Constitution of Nebraska.~~

Article XV, Sec. 17. Notwithstanding ~~section 3 of Article XIII or~~ any other provision in the Constitution:

(1) The Legislature may provide for the investment of any state funds, including retirement or pension funds of state employees and Nebraska school employees in such manner and in such investments as it may by statute provide; and

(2) The Legislature may authorize the investment of retirement or pension funds of cities, villages, school districts, public power districts, and other governmental or political subdivisions in such manner and in such investments as the governing body of such city, village, school district, public power district, and other governmental or political subdivision may determine but subject to such limitations as the Legislature may by statute provide.

That Article XIII, section 3 of the Constitution is repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to remove a provision which restricted the giving or loaning of the credit of the state and to harmonize provisions.
>
> For
>
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 20CA.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Rupp, 22nd District; Abboud, 12th District; Sieck, 24th District; Jacobson, 33rd District; Carsten, 2nd District.

A Resolution to propose an amendment to Article XV, by adding thereto new section 19, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XV, by adding thereto new section 19, of the Constitution of Nebraska, which is hereby proposed by the

Legislature:

"Sec. 19. Unless otherwise specifically designated in the constitution, any person seeking an elected state office or an elected office in any political subdivision within the state must be at least eighteen years of age or a registered voter prior to holding such office, except that if such person must sign a contract or comply with a bonding requirement prior to holding such office, he or she shall have reached the age of majority. The Legislature may provide by law for higher age restrictions for elected state or political subdivision offices.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to establish certain minimum requirements for candidates seeking any elected state office.
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

FIRST DAY - JANUARY 4, 1984

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 4, 1984

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Eighth Legislature, Second Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 a.m. on Wednesday, January 4, 1984, and was called to order by President McGinley.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

Presentation of colors by the Nebraska National Guard.

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris
Barrett, William E.
Beyer, Emil E., Jr.
Carsten, Calvin F.
Chambers, Ernie
Chronister, Harry B.
Clark, Robert L.
DeCamp, John W.
Eret, Donald
Fenger, George
Goll, James E.
Goodrich, Glenn A.
Haberman, Rex
Harris, L. William
Hefner, Elroy M.
Higgins, Marge
Hoagland, Peter
Jacobson, Clarence E.
Johnson, Lowell
Johnson, Rod
Kahle, Martin
Kilgarin, Karen
Labedz, Bernice
Lamb, Howard A.
Lundy, Ray E.
Marsh, Shirley
McDonald, Gordon L.
Morehead, Patricia S.
Newell, Dave
Nichol, William E.
Pappas, James E.
Peterson, Howard L.
Peterson, Richard
Pirsch, Carol M.
Remmers, R. Wiley
Rupp, Lee
Schmit, Loran
Scofield, Sandra K.
Sieck, Harold F.
Vickers, Tom
Von Minden, Merle
Wagner, Donald L.
Warner, Jerome
Wesely, Donald
Withem, Ron

Messrs. Beutler, Hannibal, V. Johnson, and Landis were excused until they arrive.

MOTION-Adopt Temporary Rules

Mr. Wesely moved that the Rules in effect on the 90th Legislative Day of the 88th Legislature, 1st Session, be adopted for today only, January 4, 1984.

The motion prevailed.

MOTION - Advise Governor

Mrs. Labedz moved to advise that a committee of six be appointed to advise the Governor that the Eighty-Eighth Legislature, Second Session, of the Nebraska Legislature has convened and is ready for the transaction of business.

The motion prevailed.

The Chair appointed Mesdames Marsh, Higgins, Pirsch, Morehead, Miss Kilgarin, and Ms. Scofield to serve on said committee.

The Committee escorted Governor Robert Kerrey to the rostrum where he welcomed the members of the Legislature.

RESIGNATION

August 15, 1983

The Honorable Robert Kerrey
Governor, State of Nebraska
State Capitol Building
Lincoln, NE 68509

Dear Governor Kerrey:

Please consider this letter notice of my intention to resign my post as State Senator representing the 31st Legislative District, as of September 1, 1983.

My three years service in the Nebraska Legislature constitutes some of the most rewarding, exhilarating, and productive times in my life. It has been a privilege working with my colleagues in the Legislature in attempting to address and resolve issues during a period of time when the state has had to face its greatest economic crisis since the Great Depression.

I am grateful to the citizens of the 31st Legislative District for giving me an opportunity to represent them and to serve the state. I hope they are pleased with the accomplishments I have achieved working on their behalf. Many of the goals I set for myself upon becoming a state senator have been reached: flood protection for residents of western Douglas County, improvement of education, a uniform condominium law, removal of the sales tax on food, safeguarding the rights of adolescents, containment of health care costs, and legislation prohibiting the "washing" of auto titles.

There is always more to accomplish, and I regret that I will not be among those in the Legislature to grapple with the continuing problems of inflation, unemployment and especially the challenge that faces us in regard to providing the best education for our children.

Most of all, I will miss working with constituents whom I have been able to assist resolving problems with state government or through introduction of specific legislation on their behalf.

I look forward to continuing to serve the public in concrete and beneficial ways.

Sincerely,
(Signed) Steve Wiitala

MESSAGE FROM THE SECRETARY OF STATE

January 4, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Gordon L. McDonald as a Member of the Legislature from the Thirty-First (31st) Legislative District for the unexpired term of Steve Wiitala, resigned.

Sincerely,
(Signed) ALLEN J. BEERMANN
Secretary of State

AJB:jh
Enclosures

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Gordon L. McDonald has been appointed as a

Member of the Nebraska Unicameral Legislature from the Thirty-First (31st) Legislative District for the unexpired term of Steve Wiitala, resigned. The term beginning September 6, 1983 shall continue until January 9, 1985 or such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor Robert Kerrey under the authority granted by the Constitution and by Section 32-1042 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this fourth day of January in the year of our Lord, one thousand nine hundred and eighty-four.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert Kerrey, Governor of the State of Nebraska, do hereby appoint Gordon McDonald of Omaha, as a member of the Nebraska State Legislature, 31st District. This appointment shall take effect on September 6, 1983 and continue until As Provided by Law provided you shall satisfactorily perform all the duties imposed by law.

Said appointee succeeds Steve Wiitala.

Done at Lincoln, Nebraska, this 6th day of September 1983.

(Signed) Robert Kerrey
Governor, State of Nebraska

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I Gordon L. McDonald, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member-Unicameral Legislature - Dist. 31 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Gordon McDonald

Subscribed in my presence and sworn to before me this 6th day of September, 1983.

(Signed) Allen J. Beermann
Notary Public

(SEAL)
*Constitution of the State of Nebraska
Article XV, Section One.

RESIGNATION

November 1, 1983

The Honorable Robert Kerrey
Governor
State of Nebraska
State Capitol
Lincoln, NE 68509

Dear Governor Kerrey:

I, Samuel K. Cullan, hereby submit my resignation from the Nebraska State Legislature as the state senator from the 49th Legislative District. My resignation will be effective as of 12:01 a.m., November 1, 1983.

Respectfully submitted,
(Signed) Samuel K. Cullan
State Senator
49th Legislative District

SKC:ldt

MESSAGE FROM THE SECRETARY OF STATE

January 4, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Sandra K. Scofield as a member of the Legislature from the Forty-Ninth (49th) Legislative District for the unexpired term of Samuel Cullan, resigned.

Sincerely,
(Signed) ALLEN J. BEERMANN
Secretary of State

AJB:jh
Enclosures

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Sandra K. Scofield has been appointed as a Member of the Nebraska Unicameral Legislature from the Forty-Ninth (49th) Legislative District for the unexpired term of Samuel Cullan, resigned. The term beginning November 21, 1983 shall continue until January 9, 1985 or such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor Robert Kerrey under the authority granted by the Constitution and by Section 32-1042 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this fourth day of January in the year of our Lord, one thousand nine hundred and eighty-four.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert Kerrey, Governor of the State of Nebraska, do hereby appoint Sandra Scofield of Chadron as a member of the Nebraska State Legislature-49th District. This appointment shall take effect on November 21, 1983 and continue until As Provided by Law provided you shall satisfactorily perform all the duties imposed by law.

Said appointee succeeds Samuel Cullan.

Done at Lincoln, Nebraska, this 21st day of November 1983.

(Signed) Robert Kerrey
Governor, State of Nebraska

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I Sandra Scofield, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of member Nebraska State Legislature - 49th Dist. according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Sandra K. Scofield

Subscribed in my presence and sworn to before me this 21st day of November, 1983.

(Signed) Allen J. Beermann
Notary Public

(SEAL)
*Constitution of the State of Nebraska,
Article XV, Section One.

CERTIFICATE FROM THE SECRETARY OF STATE

STATE OF NEBRASKA
DEPARTMENT OF STATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of Members of the Nebraska Unicameral Legislature elected or appointed to serve in the Eighty-eighth Legislature, Second Session (Regular), 1984.

Further, I hereby certify that the Members so listed on the Official Roster attached hereto are the duly elected or appointed Members of the Unicameral Legislature in the State of Nebraska for the Eighty-eighth Legislature, Second Session (Regular), 1984.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this fourth day of January in the year of our Lord, one thousand nine hundred and eighty-four.

(Signed) ALLEN J. BEERMANN
Secretary of State

MEMBERS OF NEBRASKA UNICAMERAL LEGISLATURE
EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION
1984

DISTRICT	NAME	ELECTED OR APPOINTED
1	R. Wiley Remmers	November 4, 1980
2	Calvin F. Carsten	November 2, 1982
3	Emil E. Beyer, Jr.	November 4, 1980
4	Gary E. Hannibal	November 2, 1982
5	Bernice Labedz	November 4, 1980
6	Peter Hoagland	November 2, 1982
7	Karen Kilgarin	November 4, 1980
8	Vard Johnson	November 2, 1982
9	Marge Higgins	November 4, 1980
10	Carol McBride Pirsch	November 2, 1982
11	Ernest Chambers	November 4, 1980

12	Chris Abboud	November 2, 1982
13	David R. Newell	November 4, 1980
14	Ron Withem	*Appointed March 30, 1983
15	Lowell C. Johnson	November 4, 1980
16	James E. Goll	November 2, 1982
17	Merle Von Minden	November 4, 1980
18	Harry B. Chronister	November 2, 1982
19	Elroy M. Hefner	November 4, 1980
20	Glenn A. Goodrich	November 2, 1982
21	Richard Peterson	November 4, 1980
22	Lee Rupp	November 2, 1982
23	Loran Schmit	November 4, 1980
24	Harold F. Sieck	November 2, 1982
25	Jerome Warner	November 4, 1980
26	Don Wesely	November 2, 1982
27	L. William Harris	**Appointed May 27, 1983
28	Chris Beutler	November 2, 1982
29	Shirley Marsh	November 4, 1980
30	Patricia S. Morehead	November 2, 1982
31	Gordon McDonald	***Appointed September 6, 1983
32	Donald Eret	November 2, 1982
33	Clarence E. Jacobson	****Appointed November 29, 1982
34	Rod Johnson	November 2, 1982
35	Howard Peterson	November 4, 1980
36	Ray Lundy	November 2, 1982
37	Martin F. Kahle	November 4, 1980
38	Tom Vickers	November 2, 1982
39	William E. Barrett	November 4, 1980
40	John W. DeCamp	November 2, 1982
41	Don Wagner	November 4, 1980
42	James E. Pappas	November 2, 1982
43	Howard Lamb	November 4, 1980
44	Rex Haberman	November 2, 1982
45	George Fenger	November 4, 1980
46	David Landis	November 2, 1982
47	Robert L. Clark	November 4, 1980
48	William E. Nichol	November 2, 1982
49	Sandra K. Scofield	*****Appointed 11-21-83

* Succeeded Thomas D. Doyle
** Succeeded Steve Fowler
*** Succeeded Steve Wiitala
**** Succeeded Richard Marvel
***** Succeeded Samuel K. Cullan

MESSAGES FROM THE GOVERNOR

June 2, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Department of Aging requiring legislative confirmation:

Director, Helen G. Boosalis

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Helen G. Boosalis
Accountability and Disclosure Commission
Department of Administrative Services

June 13, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Board of Health, requiring legislative confirmation:

Appointee: Dr. William V. Drost, Represents Osteopaths, Rural Route 2, Ogallala, NE 69153, (308) 284-3575, Term: 6/9/83 - 9/14/85, Succeeds: Dr. J. R. Swanson, Wahoo, Term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: State Board of Health
Accountability and Disclosure Commission
Dr. William V. Drost
Department of Administrative Services
Staff Assistant to the Governor
for Executive Appointments (2 copies)
Nebraska Blue Book

June 13, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Motor Vehicle Industry Licensing Board, requiring legislative confirmation:

Appointee: James C. Patee, Factory Rep. - 2nd District, 11111 L Street, P.O. Box 37505, 334-4707 (o) 333-4796 (h), Omaha, NE 68137 - Term: 6/9/83 - 5/18/85, Succeeds: Robert Martin, Omaha, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Motor Vehicle Industry Licensing Board
Accountability and Disclosure Commission
James C. Patee
Department of Administrative Services
Staff Assistant to the Governor
for Executive Appointments (2 copies)
Nebraska Blue Book

June 14, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Manpower Commission, requiring legislative confirmation.

Appointee: Dr. Judy Butler, Westside Health Services, 254 West 4th, Superior, NE 68978, 879-4856 - Term: 6/9/83 - 9/1/83, Succeeds: Dr. M.L. Chaloupka, Broken Bow - Resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Rural Health Manpower Commission
Accountability and Disclosure Commission
Dr. Judy Butler
Department of Administrative Services
Staff Assistant to the Governor
for Executive Appointments (2 copies)
Nebraska Blue Book

June 14, 1983

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear M. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Personnel Board, requiring legislative confirmation.

Appointee: Charles M. Pallesen, Jr. 1900 First National Bank Building Lincoln, NE 68508 474-6900(o) 423-6047(h) Term: 5/18/83 - 8/4/83 Replaces: Monroe Usher, Jr. Resigned.

This appointment is respectfully submitted for you consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Charles M. Pallesen, Jr.
Accountability and Disclosure Commission
State Personnel Board
Department of Administrative Services
Staff Assistant to the Governor
for Executive Appointments (2 copies)
Nebraska Blue Book

June 16, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Liquor Control Commission, requiring legislative confirmation:

Appointee: John P. Miller, 500 South 18th Street, Omaha, NE 68101- 341-0994. Term: 6/16/83 - 5/24/89. Succeeds: Thomas Fitzgerald, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Liquor Control Commission
Accountability and Disclosure Commission
John P. Miller
Department of Administrative Services
Staff Assistant to the Governor
for Executive Appointments (2 copies)
Nebraska Blue Book

June 17, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Trustees of Nebraska State Colleges - Student Representatives - Term: June 17, 1983 - May 1, 1984, requiring legislative confirmation:

Appointee: Scott Liggett - Chadron State, Box 415, Rushville, NE - 327-2653. Succeeds: Larry Nelson, Arlington.
Cynthia Lauritsen - Kearney State, Box 74, Dannebrog, NE 68831 - 226-2268. Succeeds: Julie Fink, O'Neill.
Lori A. Vrtiska - Peru State, Table Rock, NE 68447 - 839-4135. Succeeds: Curtis Cogswell, Friend.
Stacey B. Dagle - Wayne State, Box 278, Wasau, NE 68786 - 586-2553. Succeeds: Keven Kraemer, Allen.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

June 29, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Educational Television Commission. Term: June 21, 1983 to January 9, 1987, requiring legislative confirmation:

Appointee: Arthur Langvardt Rep. Class I/VI School Dist. CD 3 - P.O. Box 96, Hastings, NE 68901, 463-4509 (w) 462-4480 (h). Succeeds: Robert Monke.
Maurine Biegert Rep. Class III School Dist. CD 1 - Shickley, NE

68436- 627-3915. Succeeds: Roger Bailey.

Vance D. Rogers Rep. Class IV School Dist. CD 1 - 6000 Old Cheney Road, Lincoln, NE - 474-2345 (w) 423-4560 (h). Succeeds: Is reappointed.

Jerry Ingram Rep. State Colleges - Chadron State College, Chadron, NE 69337 - (308) 432-4451. Succeeds: Jack Langford.

Phillip Heckman Rep. Private Colleges - Doane College, Crete, NE 68333 - 826-2161. Succeeds: Is reappointed.

Odra W. Bradley Rep. Class V School Dist. CD 2 - 3219 Cumings, Omaha, NE 68131- 554-6706 (w). Succeeds: Linda R. Walker.

Emmett Connealy Rep. Class II School Dist. CD - Decatur, NE - 349-5188. Succeeds: Mrs. Merlyn Carlson.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Educational Television Commission
Accountability and Disclosure Commission
Department of Administrative Services
Staff Assistant to the Governor
for Executive Appointments (2 copies)
Nebraska Blue Book

July 18, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council - Term: 7/8/83 - 6/22/87, requiring legislative confirmation:

Appointee: Bill Miller, President, Rainbow Bread Company, 365 North Broadwell, Grand Island, NE 68801 - (308) 382-0120 (w). Succeeds: Dick Beermann, term expired.

Sandy Scofield, Star Route 1, Box 110, Chadron, NE 69337 - (308) 432-5864 (h). Succeeds: Hal Schroeder, term expired.

Phil James, Vice President, United Agri-Products, 725 South

Snyder, Fremont, NE 68025 - 727-5550 (w). Succeeds: Carl Swanson, term expired.

Dave Sands, Vice President, Standard Meats, 700 Van Dorn, Lincoln, NE 68502 - 475-6328 (w). Succeeds: Al Wood, resigned.

Dr. Steve Thomas, 2101 Lincoln Ave., York, NE 68467 - 362-5555 (w). Succeeds: Harry Shaffer, term expired.

Jim George, General Manager, Becton-Dickinson, Industrial Site, P.O. Box 987, Columbus, NE - 564-3181 (w). Succeeds: Richard Veach, term expired.

Dewey Andersen, 335 Dale Drive, Lincoln, NE 68510, 472-5018 (w) 488-7775 (h). Succeeds: E. A. Olson, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

July 20, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Personnel Board, requiring legislative confirmation.

Appointee: Charles M. Pallesen, Jr., 1900 First National Bank Building, Lincoln, NE 68508, 474-6900 (o) 423-6047 (h). Term: 5/18/83 - 8/4/83 - Replaces: Monroe Usher, Jr. - Resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

July 26, 1983

Mr. President, Mr. Speaker and
Members of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the GASOHOL-Agricultural Products Industrial Utilization Committee - Term 7/23/83 to 7/1/87, requiring legislative confirmation:

Appointee: Ronald Kelly Represents: Business (D) - 623 Emerson, Alliance, NE 69301 - (308) 762-5010 (w) 762-4730 (h). Succeeds: is reappointed.

M. E. "Bus" Whitehead Represents: Petro Ind. (R) - Whitehead Oil, P.O. Box 30211, Lincoln, NE 68503 - 435-3509 (w) 474-4700 (h). Succeeds: is reappointed.

Allen Kreuscher Represents: General Farming (R) - Dewitt, NE 68341 - 683-6135 (h). Succeeds: Don Hutchens, term expired.

Don D. Hutchens Represents: Milo Farming (D) - 644 North 11th Street, Geneva, NE 68361 - 759-4765 (w) 759-3635 (h). Succeeds: Dean Marsh, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

August 30, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Educational Lands and Funds - Term: 8/19/83 to 10/1/83, requiring legislative confirmation:

Appointee: David A. Domina Represents: D-3. 110 South 12th Street, Norfolk, NE 68701 - 371-8273. Succeeds: Hans O. Jensen, resigned

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

September 13, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Bingo and Pickle Card Regulatory Commission - Term: 8/26/83 to 8/26/86, requiring legislative confirmation:

Appointee: John LaMalfa, 2134 S. 38th Street, Omaha, NE 68105 - 345-5552 (h). New Appointment.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

September 13, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Bingo and Pickle Card Regulatory Commission - Term: 8/26/83 to 8/26/87, requiring legislative confirmation:

Appointee: Frederick W. "Wes" Voseipka, 1518 Avenue "H", Scottsbluff, NE 69361 - (308) 632-2729 (h). New Appointment.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

September 13, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Bingo and Pickle Card Regulatory Commission - Term: 8/26/83 to 8/26/88, requiring legislative confirmation:

Appointee: Gary Chunka, 7206 Sharmrock Court, Lincoln, NE 68506 - 489-5295 (h) 474-1003 (w). New appointment.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

September 15, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Commission of Industrial Relations - Term: 8/17/83 to 6/09/89, requiring legislative confirmation:

Appointee: Robert W. Mullin, 1002 Mockingbird Drive, Scottsbluff, NE 69361 - (308)635-1731 (h) (308)635-3161 (w). Succeeds: Richard Berkheimer.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

September 19, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Investment Council, requiring legislative confirmation:

Appointee: Burnham Yates - Chairman, 2900 Bonacum, Lincoln, NE 68502 - 471-1274 (w) 423-8931 (h). Term: 9/18/83 to 9/18/88 - Succeeds: Ralph Kelly.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

September 30, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Advisory Committee to the Department of Economic Development, requiring legislative confirmation:

Appointees: Maxine Moul, Maverick Meida, Syracuse, NE 68446 w) 800-742-7662 Term: 9/26/83 to 7/1/87, Succeeds: James Stuart, Jr.

Tom Emerton, Box 343 Cairo, NE 68824 h) 308-487-4769, Term: 9/26/83 to 7/1/87 Succeeds: Bruce Allen.

James Stuart, Jr. 625 Stuart Building, Lincoln, NE 68508 h) 308-485-4769 Term: 9/26/83 to 7/1/87 Succeeds: John W. Cattle, Sr.

Bob Krohn, 8494 Indian Hills Drive Omaha, NE 68114 w) 339-1000 Term: 9/26/83 to 7/1/87 Reappointment.

Lynn Roper, Merrill Lynch, Inc. Pierce, Fenner & Smith, 134 South 13th Street Lincoln, NE 68508 w) 474-5121, h) 473-1831 Term: 9/26/83 to 7/1/87 Succeeds: Art Knox.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

October 17, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Parole Board, requiring legislative confirmation:

Appointees: Term: 11/1/83 to 9/9/88 - Mary Wieseman, 530 Ridge Street, Osceola, Ne 68651 - 747-4821 (h). Succeeds: Ron Bartee - part-time.

Term: 11/1/83 to 9/9/89 - Carlos Alvarez, 3256 Monroe Street, Omaha, NE 68107 - 731-7471 (h) 554-2055 (w). Succeeds: Marj Marlette - full-time.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

October 27, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Department of Health, the Parole Board and the Military Department, requiring legislative confirmation:

Director, Department of Health, Greg Wright
Chairman, Parole Board, Ron Bartee
Adjutant General, Military Department, James Carmona

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Greg Wright
Ron Bartee
James Carmona
Accountability and Disclosure Commission
Department of Administrative Services

November 3, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Electrical Board, requiring legislative confirmation:

Appointees: Term: 11/2/83 to 9/13/88 - Richard Noel - 3540 Stockwell, Lincoln, NE 68506 (h) 489-3977 (w) 483-5683. Succeeds: Norval Bowen

Term: 11/2/83 to 9/13/88 - Dennis Shroeder, 4998 Oaks Lane, Omaha, NE 68137, (h) 895-0104 (w) 895-2233. Is reappointed.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

November 15, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Acting Director, Nebraska Department of Banking, requiring legislative confirmation:

Appointee: John Miller, Blair, Nebraska - Term: 11/15/83 - At the Pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

December 23, 1983

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Director, Nebraska Department of Environmental Control, requiring legislative confirmation:

Appointee: Dennis Grams, 4240 Randolph, Lincoln, Nebraska, Term: 1/9/84 - At the Pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

December 23, 1983

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Director, Nebraska Department of Banking, requiring legislative confirmation:

Appointee: Roger Beverage, 1000 NBC Center, Lincoln, Nebraska, Term: 1/2/84 - At the Pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

ATTORNEY GENERAL'S OPINIONS

June 14, 1983

Dear Senator DeCamp:

This is in response to your request for an opinion on the constitutionality of LB 295 concerning the proposed regulation of automatic telephone dialing devices.

LB 295 makes it "unlawful for any person to use an automatic dialing-announcing device for the purpose of advertising, offering goods or services for sale, or for any purpose in connection with a political campaign." The act specifically does not prohibit the use of such a device for taking public opinion polls. Furthermore, the act would make the use of such a device a deceptive trade practice. Violation of the statute would be a Class III misdemeanor.

Your request asks whether there would be any violation of the Equal Protection Clause because of the lack of regulation of manually dialed unsolicited calls, and whether the act would create any restrictions on interstate commerce.

As noted by the FCC in its Memorandum Opinion and Order, In the Matter of Unsolicited Telephone Calls, Docket 78-100, May 22, 1980, there is a potential for abuse in the use of such automatic devices. Because of the sheer volume of calls which such devices can generate, compared to manual dialing operations, this potential for abuse becomes significantly greater through the use of such machines. This very real distinction would form a reasonable basis for different treatment of automatic dialing devices in a regulatory framework, which would offset any claims of lack of equal protection or treatment.

As to the question of restrictions on interstate commerce, the FCC in the above findings and order, determined that the interstate use of such devices was extremely limited and primarily for that reason, declined to exercise any restrictions on the use of such devices. The regulation of such devices has thus been left to the states. While the potential for use of these devices in interstate commerce exists, and hence the potential for interference with interstate commerce by application of the proposed statute, we nevertheless believe that the proposed law would be construed in a constitutional manner thus limiting its effect to regulation of only intrastate calls.

There does appear to be, however, serious problems regarding violation of the right of free speech guaranteed under the First Amendment as a result of this proposed legislation. This precise issue has not yet been dealt with by the courts. The question in such a determination would involve the balancing of an individual's right to privacy as compared to the right of free speech. Cases concerning the receipt of "junk mail," and door-to-door solicitation indicate that an outright ban on such communications, whether political or commercial, would, in all likelihood, be a violation of the constitutional right of free speech. Martin v. Struthers, 319 U.S. 141 (1943); Hynes v. Mayor of Oradell, 425 U.S. 610 (1976); Rowan v. Post Office Department, 397 U.S. 728 (1970); and Lamont v. Commissioner of Motor Vehicles, 216 F.Supp. 880 (S.D.N.Y.), aff'd per curiam, 386 F.2d 449 (2d Cir. 1967), cert. denied, 291 U.S. 915 (1968). Thus the complete ban of the use of the automatic dialing devices imposed by this legislation for commercial and political purposes would likely be unconstitutional from the standpoint of a violation of the First Amendment right of free speech.

In summation, we believe there are no constitutional problems with this legislation from the standpoint of equal protection or interstate commerce, however, there are serious questions as to its constitutionality under the First Amendment. Finally, your question as to the sufficiency of public policy requiring the regulation of these devices seems more appropriate for determination by the Legislature.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 129
June 23, 1983

Dear Senator R. Peterson:

Your letter to this office states that future legislation will be considered during an interim study concerning the Community Mental Health Services Act. You inquire if the community mental health centers are actually extensions of the Department of Public Institutions.

While the Community Mental Health Services Act, §§71-5001 through 71-5014 (Reissue 1981) gives the Department of Public Institutions and the Director of Medical Services thereof, some specific duties and responsibilities, it falls short of constituting the six mental health regions or any service agency providing mental health services as defined in §71-5002(3) (Reissue 1981), legal subdivisions of the Department of Public Institutions. Rather than attempting to label the relationship, it is more accurate to describe the authority and duties of each.

For example, §71-5003 of said act requires the Director of Medical Services of the Department of Public Institutions to provide a state-wide plan for mental health services, establish minimum standards for the operation of any facility or program funded under the act, provide assistance to place mentally ill persons in appropriate facilities or programs, require budgets to be submitted by each region, evaluate submitted budgets to determine the state's share of funding requirements and the services to be rendered, approve any plan to be submitted to a federal agency for grants, and promulgate such rules and regulations as are necessary to carry out the provisions of the act. However, any standards, rules, or regulations above referred to may be adopted only after consultation with a committee consisting of one member of each regional governing board appointed by such board and one consumer from each regional mental health advisory committee appointed by that regional governing board.

While such committee does not have veto authority over the standards, rules, and regulations to be adopted, the procedure indicates that the regions are not under the legal control of the department but have an independent input into such adoption.

Section 71-5004 of said act specifically provides that any combination of counties operating under the Interlocal Cooperation Act shall appoint a governing board which shall govern and supervise the operation of the comprehensive community mental health services program offered within their geographical boundaries. Such governing board shall contract with any public agency, approved private agency, or individual providing mental health services as described in said act subject to minimum standards adopted by the Director of Medical Services under the act.

These governing boards consist of one member from each of the county boards of supervisors or commissioners represented by each region. Each of the counties shall contribute financial support for the operation of the regional comprehensive community mental health services program based upon a funding formula acceptable to each of the counties involved. This clearly distinguishes the regions from being subdivisions or agencies of the State Department of Public Institutions as it is the regional governing board which governs, supervises, makes assessments on the counties, and contracts for services under this section.

Section 71-5006 of said act requires the governing board of each region to organize and supervise the comprehensive mental health services and facilities under its jurisdiction, cause such services to be provided to the people and name and appoint a program director.

While the regional governing board must also report annually to the Director of Medical Services regarding the expenditure of funds and submit annually a proposed budget and plan of the services to be offered, it must also establish the amount of funds to be requested from each county.

Under §71-5007 the regional governing board determines the powers and authority of the program administrator who is directly responsible to the governing board for administering and supervising the programs, services, and facilities under the act. While he acts in the interest of the state in its overall goal of providing mental health services, he is not an employee or agent of the state in a legal sense.

The foregoing constitutes the regions and the agencies with whom they contract as separate legal entities which must comply with certain standards and regulations to receive the funds appropriated by the state under the budgets submitted. The relationship is similar to that of any state or local governmental subdivision receiving grants from the federal government.

Nowhere under said act is any enforcement authority given to the Department of Public Institutions which would give the department direct control over the regions or agencies thereof.

The department does have the authority to require annual audits and reports as it deems necessary, and provide accountability for all sources of funds and all expenditure of funds from all agencies receiving any state funds, but such authority is not backed up with any enforcement powers. Presumably problems of the department with the expenditure of funds or operation of the programs would result in withholding of future funds by the Legislature.

The department, under §71-5010 of the act, has the duty to require such annual audits as it deems necessary. You have inquired whether the state auditor could perform this function. Section 84-304 (Reissue 1981) provides in part:

> It shall be the duty of the Auditor of Public Accounts:
>
> (4) Conduct audits and related activities for state agencies, political subdivisions of this state, or grantees of federal funds disbursed by a receiving agency on a contractual or other basis for reimbursement, to assure proper accounting by all such agencies, political subdivisions, and grantees for funds appropriated by the Legislature and federal funds disbursed by any receiving agency.

This provision, would, in our opinion, require the Auditor of Public Accounts to audit the regional governmental organization or other agency under the act which is the grantee of funds appropriated by the Legislature.

Hoping this will be of assistance to you we are,

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 131
July 5, 1983

Dear Senator V. Johnson:

The following is our opinion as to the constitutional validity of Nebraska's legislative and congressional redistricting plan given the recent decisions of the United States Supreme Court in the cases of Karcher et al. v. Daggett et al., 51 U.S.L.W. 4854 and Brown et al. v. Thomson et al., 51 U.S.L.W. 4883.

Brown, supra, concerned the Wyoming legislature's redistricting plan for that state's House of Representatives, and Karcher, supra, concerned New Jersey's reapportionment plan for its congressional districts. At the outset, it should be noted that the standards applicable to redistricting plans are entirely different in the case of a state legislative redistricting plan than they are for state legislatures redistricting plan for United States congressional districts. State legislative redistricting plans are susceptible to scrutiny under the Equal Protection Clause of the Fourteenth Amendment, while United States congressional redistricting plans are subject to scrutiny under Article I, Section 2 of the United States Constitution itself.

Turning then first to the question of the validity of Nebraska's legislative redistricting plan, the United States Supreme Court recently held in the Brown, supra, case that the Equal Protection Clause requires that state legislatures must be apportioned on a population basis and that the state make an honest and good faith effort to construct districts as nearly of equal population as is practical.

The court there recognized as it had in Reynolds v. Sims, 377 U.S. 533 that "it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters." Specifically the United States Supreme Court in Brown held that minor deviations from mathematical equality among state legislative districts are insufficient to make out a prima facie case of invidious discrimination under the Fourteenth Amendment so as to require those deviations to be justified by the state. The court specifically held: "Our decisions have established, as a general matter, that an apportionment plan with a maximum population deviation under ten percent falls within this category of minor deviations." The court held that states with deviations below this ten percent figure would not be required to justify these deviations while without saying greater deviations were unconstitutional, the court would require states to justify the reasons for greater disparities. It is our understanding that the legislative reapportionment plan adopted by the Nebraska Legislature provides for a maximum deviation less than ten percent and we would therefore be of the opinion that given the recent Supreme Court holding in Brown, supra, that as such it would pass constitutional review.

With respect to congressional redistricting plans, the Supreme Court in Karcher, supra, suggested that Article I, Section 2 of the United States Constitution required a two prong test any time a state's congressional reapportionment plan failed to achieve absolute mathematical equality. First, the courts must consider whether the population differences among districts could have been reduced or eliminated all together by a good faith effort to draw districts of equal population. The court suggested that parties challenging apportionment legislation must bear the burden of proof on that issue, however, if they could establish that population differences were not the result of a good faith effort to achieve equality, the state must bear the burden of proving that each significant variance between districts was necessary to achieve some legitimate goal.

In the Karcher, supra, case, the State of New Jersey had a maximum variance of 0.6984 percent, however, an alternative plan had been proposed in the New Jersey legislature which would have resulted in a maximum variance of 0.4514 percent.

Given the obvious possibility for adopting a plan which would have resulted in less disparity, the court subjected the State of New Jersey to the second prong of the test, that being requiring them to prove a justification for this variance.

It is our understanding that Nebraska's congressional reapportionment plan did not result in absolute mathematical equality but rather had a population variance of 0.23 percent. It is also our understanding that a plan was proposed which, if it had been adopted, would have resulted in a population variance of considerably less. Therefore, it is apparent from the holding of the United States Supreme Court in Karcher, supra, that it would be necessary for Nebraska to justify the acceptance of a plan resulting in greater disparity.

The United States Supreme Court did go on in Karcher, supra, to list some of the legislative policies which might justify greater variance than would be mathematically possible under alternative plans. These factors included the desire to make districts compact, the desire to respect municipal boundaries, the desire to preserve cores of prior districts, and the desire to avoid election contests between incumbent representatives. The court did not indicate that this was an exhaustive list, but merely examples of the types of legislative concerns which they might find acceptable.

Therefore, if the adoption of the plan actually accepted can be justified on these or other legitimate bases, then we would be of the opinion that the failure of variance could be supported and the apportionment upheld. Conversely, if there are no acceptable reasons for adopting the plan chosen and rejecting the plan establishing the smallest possible variance, then it is likely that our apportionment would be rejected.

We hope you will find this information useful in analyzing both Nebraska's efforts to reapportion its Legislature and its congressional districts.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:jmh
t6
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 132
July 20, 1983

Dear Senator Wesely:

You have indicated that you are considering proposing legislation which would prohibit an individual who is an elected official or a person appointed to an elective office from being appointed anew to his position after he has been removed from that position pursuant to a recall election. You first ask whether or not such legislation is necessary, and secondly, whether or not in our opinion your proposal would be constitutional.

The process of recall in Nebraska and the procedure for filling the vacancy thereby created is peculiar to the particular office and varies considerably. For example, the recall procedure for city council members of the metropolitan class includes the naming of a successor in the recall petition itself and specifically provides that if the recall effort is successful a subsequent election will be held at which the removed council member may be a candidate to succeed himself. Neb.Rev.Stat. §14-209 (1982 Supp.). This procedure is essentially the same for city council members in a commission form of government. Neb.Rev.Stat. §19-424 (Reissue 1977).

However, in cities with a city manager form of government vacancies created by recall pursuant to Neb.Rev.Stat. §19-628 (Reissue 1977) are filled by appointment. Neb.Rev.Stat. §19-1614 (Reissue 1977). On the other hand, city council members from cities or villages other than those specified above can be removed by recall pursuant to Neb.Rev.Stat. §19-4201 (1982 Supp.) and any vacancy created thereby is filled either by appointment or by a special election at the option of the mayor and the board members. Neb.Rev.Stat. §32-4,152 (1982 Supp.). County officers can be removed by recall pursuant to Neb.Rev.Stat. §23-2010 (1982 Supp.) and vacancies created thereby are filled by appointment. Neb.Rev.Stat. §23-2010.07 (1982 Supp.).

Provision for the removal of officers in metropolitan water districts is found in Neb.Rev.Stat. §14-1033 (Reissue 1977) and provides that they shall be recalled through the use of "any general laws of the state [pertaining] to...recall." It is unclear what is meant by "any general laws" inasmuch as there appear to be no general laws on recall but rather simply those pertaining to the office in question.

Other specific provisions for particular officers are found elsewhere within the statutes, i.e., school boards. Neb.Rev.Stat. §§79-547.01, 79-605 (1982 Supp.); Public Power Districts, §70-618 (Reissue 1981).

Turning then to the questions you raise, it would appear as though some legislative clarification in this area would be desirable. More specifically you inquire as to whether or not under Nebraska law an office holder who is removed by recall may be appointed to the position from which he has just been recalled. It would appear that at least in some instances set out above, provision for such is specifically provided. We would therefore be of the opinion that at least with respect to those specific instances, if the Legislature wished to prohibit the appointment of a recalled official that they should do so by specific legislative act. We make this suggestion based upon the fact there are no Nebraska Supreme Court cases of which we are aware directly relating to the question of whether or not a recalled office holder can be appointed to succeed himself. There is, however, a body of law from other jurisdictions which suggests that recall is for the duration of the unexpired term. Recall Bennett Committee, et al. v. Bennett, et al., 249 P.2d 279 (1952).

We do believe there is a difference between prohibiting a recalled official's being appointed anew to the position from which he has been recalled and prohibiting him from seeking election to this office either at an election held pursuant to the recall process itself or at some subsequent election. It has been held that statutory provisions related to recall elections are to be liberally interpreted in favor of the electorate. In Re Recall of Certain Officials, 217 N.W.2d 277 (1974), In Re Bower, 242 N.E.2d 252 (1968). Also, it should be noted that the right of a candidate to seek office has never been afforded fundamental status as the right to vote has been by the United States Supreme Court. See Bullock v. Carter, 405 U.S. 134 (1972).

Therefore, while prohibiting a recalled office holder's reappointment may promote the interest of the electorate, prohibiting that same recalled official from seeking re-election may do just the opposite by frustrating the people's right to vote since the possibility remains that in a subsequent election the recalled official might appear to the voters to be the most desirable candidate. It would appear therefore that the electorate's right to vote would be impinged upon if he were not allowed on the ballot.

Also in this regard the California Supreme Court, after analyzing the various United States Supreme Court decisions on point concluded that a California provision preventing a recalled official from running for the same office within a year after his ouster is unconstitutional. De Bottari v. Melendez, 119 Cal.Rptr. 256 (1975).

Turning then to your proposal, it would appear as though since it would only prohibit the reappointment of a recalled official and would not prohibit that official's seeking the office at a subsequent election, that such a provision would not conflict with the public's right to vote and would not unduly restrict any rights possessed by the recalled candidate since the right to be a candidate is not constitutionally fundamental.

Since, however, specific statutory provisions are given preference over general provisions, we do suggest that you may wish to consider incorporating such a prohibition within each existing section dealing with the recall of specific offenses.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:jmh
L2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 133
August 9, 1983

Re: Machine and Computer Video Games

Dear Senator Hefner:

This is in reply to your inquiry concerning machine and computer video games when used by a city in Nebraska to conduct a lottery. We assume from your questions that the lottery has been duly established by approval of the voters as required by Neb.Rev.Stat. §28-1116 (Reissue 1979).

We will set forth your questions, followed by our answers in the order contained in your letter.

1. Does the definition of lotteries in section 28-1101 (6) include a machine or computer operated video lottery which issues a ticket to be redeemed for a prize? Does it include a machine or computer operated video lottery which directly returns cash as a prize?

In CONtact, Inc. v. State, 212 Neb. 584, 324 N.W. 2d 804 (1982), the latest lottery case before the Supreme Court of Nebraska, the court, in discussing the above statutory definition, quoted with approval from a Texas case as follows:

> In the case of Callison v. State, (Tex.Civ.App.), 146 S.W.2d 468, the Court uses this language: "Obviously, the punch boards are lotteries; purely games of chance or luck. The numbers are hidden from view until punched from the board by players. No skill is exercised in the operation of the game, and the boards can be used for no purpose other than gaming; they were designed for that purpose only." It is clear that all the elements of a lottery are present in the case at bar. Those who participated in the operation of the punch board paid for the right to share in the distribution of a prize, and the result of their venture depended entirely upon chance. No skill was required of any person who punched a number from the board, and the prize consisted of money. The punch board described in the evidence is a

lottery, and this Court so holds.

The Supreme Court of Nebraska went on to hold that pickle cards came within the definition of a lottery and when properly operated by a nonprofit corporation, were legal.

Neb.Rev.Stat. §28-1115 (Reissue 1979), which regulates "Any nonprofit organization etc." requires the issuance of a ticket with a sequential number and the name of the organization printed thereon. Neb.Rev.Stat. §28-1116 (Reissue 1979), which authorizes counties, cities, and villages to conduct lotteries, has no such requirement. Neither, in our opinion, do cities, counties, and villages come within the purview of §28-1115.

We are of the opinion that, if presented with the question, the Supreme Court of Nebraska would look at the construction and operation of the machine in making its determination. The mere fact that it is a machine would not disqualify it as a lottery, but the provisions of §28-1107 prohibiting possession of a gambling device would be applicable as well as the definitional provision contained in §28-1101(5):

> Gambling device shall mean any device, machine, paraphernalia, writing, paper, instrument, article, or equipment that is used or usable for engaging in gambling, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine.

In light of these two sections of the statutes, we believe that it would be difficult to design a machine or computer operated video device which would fall within the definition of lotteries contained in the Nebraska statutes.

We believe that it is likely that any machine when operated by a governmental subdivision which paid off in cash at the time of playing the machine would likely be found to be a gambling device.

2. Does section 28-1115 (as is presently stands, not as amended by LB 259) require all lotteries operated for community betterment purposes to comply with the 65% and 25% provisions of the section? If yes, does a lottery described in question 1. comply specifically with the 25% on expenses?

The answer is "no" as to lotteries operated by cities, villages, and counties as discussed under question 1.

3. What are the answers to the above questions when LB 259 take effect: (The 25% provision becomes the 10% provision in section 41 of LB 259.)

Section 41 of LB 259 specifically applies to §28-1116, discussed above, which is the section which authorizes city, county, and village lotteries. This new section will require city, county, and village lotteries to follow similar requirements to those now required of nonprofit organizations under §28-1115 (Reissue 1979), including a limitation on the use of the proceeds and the requirement that a ticket be issued with a sequential number and the name of the county, city or village conducting the lottery printed thereon. Operators of machines which do not have such a ticket or follow the percentage requirements as to the proceeds will be in violation of this section which becomes effective August 26, 1983.

4. Does a video lottery violate any provisions of the Nebraska Constitution?

There is no reason why a video machine could not be devised which would not violate the provisions of the Nebraska Constitution but, since we have not been apprised of the operation of any particular machine, we cannot give you a blanket answer.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 136
August 29, 1983

Dear Senator Kahle:

This is in response to your inquiry containing a number of questions regarding the bail statutes. You indicate that you need this information for preparation of amendatory legislation. We will restate and answer your questions in the order presented in your letter.

(1) In view of the language about the defendant's "option" contained in 29-901 (3) (R.R.S. 1943), is it permissible for a judge to summarily reject the use of a "bail bond" or "surety bond" in a class of cases or in a particular case?

As you know, §29-901 (3) gives the court the authority to require a bailable defendant to select either of two choices in order to be released from custody:

> (a) The execution of an appearance bond and a deposit of not to exceed 10 percent of the amount of such bond in cash, 90 percent of which deposit is to be returned upon performance of the appearance and 10 percent to be retained as part of the cost; or
>
> (b) the execution of a bail bond with such sureties as the judge deems proper or, in lieu of sureties, at the option of the person putting up bond, a cash deposit of the sum fixed.

We assume, since your question is limited to §29-901 (3) that your question assumes the court has rejected releasing the defendant on the other options preceding and following subsection (3). Under this assumption, the court could not reject, summarily or otherwise, the release of the defendant on some type of bond as outlined in subsection (3) except in the cases outlined in the Nebraska Constitution.

Article I, Section 9 of the Nebraska Constitution provides:

All persons shall be bailable by sufficient sureties, except for treason, sexual offenses involving penetration by force or against the will of the victim, and murder, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. (Amended, 1978.)

Since subsection (3) of §29-901 gives the defendant the choice of either (a) or (b), discussed above, the court would have to give the defendant both options and permit him to select. Of course, the court sets the amounts involved and has a reasonable discretion as to approval of the surety or sureties.

The court could reject the bonds under subsection (3) and release the defendant under conditions imposed under subsection (4) without violating the constitution.

(2) When are the requirements discussed in the last two sentences of 29-901 (3) (b) applicable to surety bond arrangements?

There are a number of sentences immediately after §29-901 (3) (b), not separated by a paragraph, which generally describe the various requirements of recognizances in criminal cases and their application in specific situations. We assume, from the further content of your letter, that the last two sentences to which you refer are the last two sentences at the end of the paragraph which provide:

> Each surety on such recognizance shall be required to justify under oath in a sum twice the amount of such recognizance and give the description of real estate owned by him of a value above encumbrance equal to the amount of such justification, and shall name all other cases pending in which he is a surety. No one shall be accepted as surety on recognizance aggregating a sum in excess of his equity in his real estate, but such recognizance shall not constitute a lien on the real estate described therein until judgment is entered thereon against such surety.

The above portion of the statute immediately follows a sentence authorizing a recognizance to include all offenses charged when two or more indictments or informations are returned against the same person. While it is somewhat equivocal, we believe the quoted portion is meant to apply to all surety bonds and not just those involving two or more indictments, since the statute contains no other directions or requirements as to surety bonds in single indictment situations.

You will note that the beginning of the quoted portion uses the term "shall" which, by the terms of §49-802 (Reissue 1978), presumes mandatory action unless inconsistent with the manifest intention of the Legislature. No inconsistency appears and the court would have no authority to waive this requirement if such a bond were in fact to be used.

(3) Could a condition such as abstinence from the consumption of alcohol be imposed upon a defendant under 29-901 in a DWI case?

As you mention, §29-901 requires the court in setting up the conditions of release to impose the first of the conditions thereafter set forth which will assure appearance. If no single condition gives that assurance, any combination of the conditions thereafter listed may be used. We see no reason why the condition you suggest in this question could not be used under the authority of subsection (4) which authorizes the court to "Impose any other condition deemed reasonably necessary to assure appearances as required," provided the court had reasonable grounds to believe alcohol may interfere with the defendant's appearance. It would not fit within the meaning of "association" in subsection (2) in our opinion.

(4) Does a court have absolute discretion in determining when to set aside or remit a forfeited recognizance under 29-1107 or 29-1109?

A court does not have absolute discretion but, as stated in Langnes v. Green, 282 U.S. 531, quoted with approval by the Supreme Court of Nebraska in State v. Konvalin, 165 Neb. 499 at 502. "(I)t means a sound discretion, that is to say, a discretion exercised not arbitrarily or willfully, but with regard to what is right and equitable under the circumstances."

In State v. Konvalin, supra, the defendant, shortly before he was to appear in court in Nebraska, went to Council Bluffs, Iowa, where he got into a fight and was severely beaten, claims he was transported to Missouri where he was picked up on a felony charge and missed his appearance in Nebraska. He later waived extradition to Nebraska and appeared a few days late. The Nebraska court entered a forfeiture of the bond but remitted approximately two-thirds. The Supreme Court of Nebraska stated, " The discretion implicit in the statute is bestowed upon and is to be exercised by the district court. This court should not substitute its discretion for that of the district court."

We have no doubt that there are circumstances in which a court would be justified in entering judgment for the full amount of the recognizance without violating any constitutional principles.

We hope this will be of assistance to you.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 138
September 8, 1983

Dear Senator Chronister:

You have called to our attention the fact that the citizens of the City of West Point, Nebraska, have voted to change from electing the members of their city council at large to electing them by ward.

You further call to our attention provisions of Neb.Rev.Stat. §5-108 (1982 Supp.) and generally ask our opinion of how this transition should mechanically take place.

We understand that subsequent to your request of this office you and officials of the City of West Point have had conversations with Secretary of State Allen Beermann and his staff and that as a result of these conversations the technical aspects of the mechanical nature of this transition have been resolved to everyone's satisfaction. If our understanding in this regard is incorrect, please let us know.

You also ask our opinion as to the amount of population variance which may be constitutionally permissible in this redistricting. In that regard, you direct our attention to the recent United States Supreme Court decision in Karcher v. Daggett, 51 U.S.L.W. 4853 (June 22, 1983).

While the Karcher, supra, case is no doubt instructive on questions of the validity of congressional reapportionments, we believe the United States Supreme Court's decision in Brown et al. v. Thomson, et al., 51 U.S.L.W. 4883 is controlling. While Karcher, supra, concerned congressional redistricting which is subject to scrutiny under Article I, Section 2 of the United States Constitution, Brown, supra, concerned legislative redistricting which is subject to scrutiny under the Equal Protection Clause of the Fourteenth Amendment. The court in Brown, supra, there recognized, as it had in Reynolds v. Sims, 377 U.S. 533, that "it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters."

More specifically, the United States Supreme Court held that minor deviations from mathematical equality among state legislative districts are insufficient to make out a prima facie case of invidious discrimination under the Fourteenth Amendment so as to require these deviations to be justified by the state.

The court held in Brown, supra, "Our decisions have established, as a general matter, that an apportionment plan with a maximum population deviation under ten percent falls within this category of minor deviations."

Also as you may know, Neb.Rev.Stat. §5-108 (1982 Supp.) provides, specifically with reference to the apportionment question you raise, that when such a city votes to elect by district or ward the governing body "shall establish districts substantially equal in population as determined by the most recent federal census." Therefore, we would be of the opinion that so long as the districts or wards created are substantially equal and do not have population variances in excess of ten percent that any challenge to such apportionment would be unsuccessful.

Finally, you ask our opinion as to whether or not it would be advisable to clarify the current Nebraska statutes with regard to the procedure for accomplishing the mechanics of such a change or to clarify the acceptable population variance. Since you have recently had actual experience with a community attempting to accomplish such a change, we leave to your best judgment as to whether or not this procedure might be clarified by further legislative enactment. With respect to the population variance we suggest that the language currently within Neb.Rev.Stat. §5-108 (1982 Supp.) is sufficient and adequately instructive.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:jmh/0-1
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 139
September 14, 1983

Dear Senator Kahle:

This is in response to your inquiry as a follow-up letter to Attorney General Opinion No. 136 written to you on September 1, 1983, concerning bail and release of persons in custody.

As you indicated in your original letter, you need this information for the preparation of amendatory legislation.

First, you ask if the dollar amount of bond options under Neb.Rev.Stat. §29-901(3) (Reissue 1979) must be the same.

As you state, defendant is given the option under this subsection of putting up, on the one hand, an appearance bond with a deposit of cash not to exceed 10 percent of the amount of the bond or, on the other hand, a bail bond with sureties approved by the judge or a cash deposit of the total sum fixed.

It must be remembered that all of the options in §29-901 that the court considers before releasing a person from custody are made upon the condition which, in the judge's sound discretion, will reasonably assure the appearance of the person for trial; if no single condition gives that assurance, a combination of the conditions may be used. In light of this, we think there is no doubt but that the court may set the face amount of the appearance bond, which only has a 10 percent deposit placed with the court, higher than the bond with sureties or a full cash deposit upon a reasonable determination of the judge that it was necessary to reasonably assure the person's appearance.

You next ask as follows:

> Next, on page 2 of your letter you state that "The court could reject the bonds under subsection (3) and release the defendant under conditions imposed under subsection (4) without violating the Constitution." Would not such an action have to follow a determination by the court that no appearance bond or bail bond, no matter how large, would assure the appearance of the person for trial?

As mentioned earlier, the court must impose the first of the conditions of release which will reasonably assure the appearance of the person for trial, or a combination thereof. If the court reached subsection (4), it would have to determine, as you suggest, under subsection (3), that no appearance bond or bail bond, no matter how large, would reasonably assure the appearance of the person. This determination would have to be based upon some known characteristic of the person to be released which would sufficiently convince the court that the person had no regard for the forfeiture of money. When we say, no matter how large, we do so on the assumption that the court has made a reasonable determination that the person to be released has little or no regard for money and that therefore whether the bond is set at $300,000 or $10,000,000 would make any difference in reasonably assuring that the person would appear.

The same would be true as to the release of a person on the condition that he abstain from the consumption of alcohol except that here, the court would have to determine, that this was the type of person who would be unlikely or unable to appear, no matter what the penalty, were he to consume alcohol.

In going to subsection (4), a court may also consider that there is a limit to how high he may set a bond lest a higher court say it is so high as to be tantamount to a denial of bail. Where this figure is, depends on the circumstances and is impossible to forecast except to say it would be a very high figure except for the very wealthy.

In answer to your last question, a judge would not face the option in subsection (4) unless he had concluded that the options described in subsections (1), (2), and (3) were incapable of reasonably assuring the appearance of the defendant.

Finally, you ask if we are saying on page 3 of our opinion that no surety bond should be accepted unless the surety, whether a licensed insurance company or an individual, owns and describes unencumbered real estate of twice the value of the bond.

The answer is no. The statement on page 3 referred to the giving of surety bonds by individuals on their real estate in the context that those conditions applied whether there was one indictment or more than one indictment. It was not meant to apply to bonds of surety and insurance companies which, under §29-901(3)(b), may be approved "as to such judge shall seem proper."

Respectfully submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 141
September 27, 1983

Dear Senator Carsten:

We are in receipt of your letter of September 23, 1983, in which you call our attention to the provisions of LB 370 which was passed by the Legislature earlier this year and ask certain questions to our opinion as to how this legislation should be interpreted. It is our understanding that you intend to consider amending this legislation depending upon its interpretation.

Specifcally, you ask whether or not this bill pertaining to conflicts of interest imposes reporting requirements upon only those officials who are directly involved in the contract giving rise to the conflict or whether it applies to all officials where their private businesses are doing business with the entity where that official has taken no part in the contractual process.

The particular facts you call to our attention involve a local official who is a member of the Board of Public Works in his city. There appears to be no question in your mind that where the Board of Public Works does business with the official's hardware store that it would be necessary for him to comply with the provisions of LB 370. Your question, however, concerns a situation where the city through some other department does business with this individual's hardware store and the Board of Public Works has not been involved in any way. In such a situation the question then becomes whether or not this individual must satisfy the reporting requirements of LB 370 or whether that is only necessary when his Board of Public Works and he himself are directly involved.

Legislative Bill 370 in Section 1 provides as is pertinent, "no officer of any city or village may be directly or indirectly interested in any contract to which the city or village, or anyone for its benefit, is a party." With respect to the definition of officer, Section 1 also provides "officer shall mean any elected or appointed official or member of any board or commission of any city or village." Therefore, it appears to us that the Legislature by the inclusion of the word "any" in both of these sections has mandated that any official of a city must comply with the reporting requirements any time he is interested in any contract between the city and his business.

We have examined the legislative history of this bill and while we do not find it particularly instructive on this question, it would be our opinion in any event that the intent of the Legislature would not be relevant in a situation such as this where the language of the statute is clear and unambiguous.

We are therefore of the opinion that LB 370 requires officials such as the one about whom you inquired to comply with the reporting requirements any time his private business enters into a contractual relationship with the city regardless of the amount of his direct involvement as a city official.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:jmh
S1
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 143
October 5, 1983

Dear Senator Schmit:

You have asked our opinion on two questions relating to the authority of the Nebraska Bingo and Pickle Card Regulatory Commission.

In your first question you ask, "Are bingo licenses issued under Sections 9-141 to 9-143 after the effective date of LB 259 valid for a one year period from the date of issuance or do they expire the following

March 31st in accordance with the position of the Department and Commission?" In your correspondence to us you have pointed out that the Department of Revenue and apparently the Nebraska Bingo and Pickle Card Regulatory Commission have taken the position that bingo licenses issued after the effective date of LB 259 will expire March 31 of the date following issuance.

We have investigated this matter by talking to the chairman of the commission and personnel in the Department of Revenue. As an initial matter, it should be pointed out that the commission has not adopted any formal rules and regulations nor established any expiration date for licenses issued by the commission. At the same time, the information which has been sent out to bingo and pickle card operators and the licenses which have been issued pursuant to Neb.Rev.Stat. §§9-141 through 9-143 (Supp. 1983) have all informed license holders that the licenses will expire March 31 following the date of issuance.

Three reasons are advanced for using this date. First, it has been done this way in the past. Secondly, bingo operators are required under Neb.Rev.Stat. §9-166 (Supp. 1982) to secure a permit from the city, village or county clerk or the city finance department for the area in which the bingo game is to be conducted. These annual permits all expire on March 31 of each year. That section was not amended by LB 259 and has been in place since 1968. It is different and separate from the license issued under the above referenced statutes under the auspices of the commission. Conforming the date of the expiration of the permit required and the license issued by the state was believed to make it easier on licensees and permit holders in terms of having the required licenses and permits at coordinated times. The final reason advanced is administrative convenience. That is, that if all licenses expire at the same time on an annual basis, the administration by the commission and the applications by the licenses would be more easily handled than those which would expire on a random basis during a continuous year.

We have examined all of the provisions of the Nebraska Bingo and Pickle Card Regulatory Act. Neb.Rev.Stat. §§9-124 to 9-196 (Supp. 1983), and have found no statute which provides an expiration date for licenses. Section 9-143 states in part: "All bingo licenses and licenses to conduct a lottery by sale of pickle cards may be renewed annually...." We are unable to say that this section provides that licenses shall be good for one year from the date of issuance. No such expression is contained within any of the statutory language. It is simply an indication that this is a license which must be renewed on an annual basis. It does not say one year from the date of issuance nor at any particular time during the year. It is therefore clear that the statutory provisions do not provide an expiration date.

In your second question you ask, "Does the Nebraska Department of

Revenue or the Nebraska Bingo and Pickle Card Regulatory Commission have the authority to establish a uniform termination date for all bingo licenses of March 31st or any other date?" Neb.Rev.Stat. §9-169 provides as follows: "The commission shall adopt and promulgate such rules and regulations and prescribe all forms as are necessary to carry out the Nebraska Bingo and Pickle Card Regulatory Act."

As we have pointed out above, there is no specified expiration date under the statutory enactment. Given that, one could validly argue either that the licenses must be renewed one year from the date of issuance or at some time during the year following the date of issuance. Obviously when you have a new statutory enactment that takes effect at the constitutionally prescribed time and requires the issuance of licenses, administrative inconvenience could result. It is also obvious that under the terms of the statute licenses may be issued at any time during as calendar year although the majority were probably issued either within the 30 days after the effective date of LB 259 or shortly thereafter to ongoing entities conducting lottery activities. Doubtless they are inconvenienced in having to secure a renewed license after less than a full year has expired under their old license. To require them to again renew the license after the expiration of less than one year would exacerbate that inconvenience.

Recognizing those problems, we must look to the authority granted to the commission. As to the first part of your question, clearly the Department of Revenue has no authority to determine what the expiration date will be. On the other hand, it seems just as clear to us that the commission does have such authority by virtue of §9-169. The Nebraska Supreme Court in Board of Regents v. County of Lancaster, 154 Neb. 398, 48 N.W.2d 221 (1951), said: "The courts generally hold such rules to be valid except where they are not germane to the purposes of the act, or where they are unreasonable and arbitrary." The court went on in that case to say that where the Legislature sets reasonable limits and grants an administrative agency discretion to carry into effect the legislative purpose, rules adopted thereunder will be upheld. While we have acknowledged the inconvenience to applicants that may arise above, we do not believe that that rises to the level of arbitrary and capricious action. Should the board adopt such a rule, it would be our opinion that the rule was valid. They, of course, have not.

As a final caveat, we should point out that you have asked these questions with the view toward possible corrective legislation to make bingo licenses effective for one year following the date of issuance regardless of the date of issuance. It is for your guidance with respect to that possible legislation that we respond to your queries.

Sincerely,

PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 146
October 7, 1983

Dear Senator Carsten:

In your letter of July 26, 1983, you point out that, pursuant to LB 169, adopted by the last session of the Legislature, sales and income tax rates are to be set by the Legislature, rather than by the State Board of Equalization and Assessment. You state that the Revenue Committee of the Legislature, of which you are chairman, will have primary responsibility for implementing this legislation, and ask several questions about its effect.

Your first question is whether the rate setting should be done by the passage of a bill, or whether it can be done by resolution. Article III, Section 13, of our Constitution provides that no law shall be enacted except by bill. The question is whether changes in the rates of sales and income taxes amount to the enactment of a law. We have found no Nebraska cases discussing the subject, and our research has not disclosed any cases from other jurisdictions precisely on point. Since our court has not discussed the limits of the power of the Legislature to act by resolution, we note the definition of "resolution" in Black's Law Dictionary (5th Ed. 1979) as follows:

> A formal expression of the opinion or will of an official body or a public assembly, adopted by vote; as a legislative resolution. Such may be either a simple, joint or concurrent resolution.
>
> The term is usually employed to denote the adoption of a motion, the subject-matter of which would not properly constitute a statute, such as a mere expression of opinion; an alteration of the rules; a vote of thanks or of censure, etc. Such is not law but merely a form in which a legislative body expresses an opinion. Baker v. City of Milwaukee, 271 Or. 500, 533 P.2d 772, 775.
>
> The chief distinction between a "resolution" and a "law" is that the former is used whenever the legislative body passing it wishes merely to express an opinion as to some given matter or thing and is only to have a temporary effect on such particular thing, while by a "law" it is intended to permanently direct and control matters applying to persons or things in general.

Because this issue is one which arises in an essentially uncharted area of Nebraska law, we recommend that the Legislature set sales and income tax rates by bill rather than by resolution. It is certainly possible that the court might hold that Article III, Section 13, requires the passage of a bill. This question would probably arise if the Legislature acted by resolution, and a taxpayer attacked the validity of the rates so set. The effect of a successful attack of this sort could be so catastrophic that it would be unwise for the Legislature to take the risk of setting rates by resolution.

Your second question is whether, if the Legislature sets rates by resolution, the Governor has veto power over that resolution. We believe it is clear he does not. Before 1974, Article IV, Section 15, of the Nebraska Constitution provided in part: "Every bill passed by the Legislature, before it becomes a law, and every order, resolution or vote (except on questions of adjournment) shall be presented to the Governor." The section then provided for his approval or veto of the matters so presented to him. In 1974 this section of the Constitution was amended by striking the language underlined above. The effect of this amendment was clearly to eliminate the Governor's veto power over "orders, resolutions, or votes." The absence of veto power by the Governor over resolutions could be a factor inclining our court to require the passage of a bill, since the court might feel that a matter of such importance should be subject to veto. You also ask whether the statutory criteria for rate-setting bind the Legislature in setting the rates by resolution. You particularly ask about the requirements of a 3 to 7 percent overlevy, the "nearly as possible equal" test, and the rate increments requirements of Neb.Rev.Stat. §77-2715.01 (Supp. 1982), as amended by LB 169.

This poses some difficult questions. These provisions were originally put in the statute to provide standards by which the State Board of Equalization and Assessment was bound in exercising the legislative function delegated to it of setting tax rates. Without them the legislation would have been unconstitutional delegation of legislative power to an administrative body. When the Legislature itself is exercising this function, standards are no longer required.

The basic question, we suppose, is what remedy would be available to an interested party if the Legislature were to fail to follow the standards set forth in §77-2715.01. If the State Board of Equalization and Assessment had violated the statute an injunction or mandamus action might have lain to enforce compliance. We believe a court would hold it lacks jurisdiction to require the Legislature to perform a legislative function in a particular way. This is particularly true with respect to the overlevy requirement and the "as nearly as possible equal" test. These involve so much discretionary decision-making that a court would be very reluctant to substitute its judgment for that of the Legislature.

With respect to the requirement that the sales tax be set in increments of one-half of one percent, and the income tax rates in increments of one percent, a somewhat different situation is involved. What the rate should be is a discretionary matter, involving many judgmental factors peculiarly legislative in nature. Whether the rates have been set in increments of one-half or one percent is an undisputable fact. It is true that one Legislature cannot ordinarily bind a future Legislature in legislative matters, but here we have a statute requiring one thing, and a resolution which does not follow the statute. In effect, the resolution would be amending the statute. But the statute can be amended only by bill, passed in accordance with constitutional requirements, and subject to veto by the Governor. It is possible that a court might find an irreconcilable conflict between the statute and the resolution, and resolve the conflict in favor of the statute.

You also ask about whether the Legislature could, in its rate-setting resolution, ignore the piggyback provisions of Neb.Rev.Stat. §77-2734 (Supp. 1982), as amended by LB 619 in 1983. We conclude that it could not. LB 169 requires the Legislature to set the income tax rates for individuals, and §77-2734 sets the rates for corporations at a fixed percentage of the rates set for individuals. To change that percentage would require an amendment of §77-2734, which cannot be done by resolution. The requirement of Article III, Section 13, that no law shall be enacted except by bill would control here.

As you can see from the above discussion, there are some difficult questions which might arise if the rates are set by resolution which would not arise if they are set by bill. We believe it would be wise for the Legislature to take this into account in reaching a decision as to which method to follow.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Michaela M. White
Assistant Attorney General

MMW:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 147
October 12, 1983

Dear Senator Landis:

In your letter of September 23, 1983, you raise certain questions as to the breadth of the applicability of Neb.Rev.Stat. §18-301.01 (1983 Supp.). You indicate that you are considering drafting clarifying legislation if after considering our opinion you feel such would be necessary or helpful.

We believe that your first question is generally answered by our recent Opinion No. 141 dated September 27, 1983, a copy of which is enclosed for your information. More specifically, however, you inquire whether or not a member of a City Library Commission whose business was about to enter into a contract with the city's Board of Public Works would be required to follow the statutory disclosure procedure or if he would be exempted from the procedure by virtue of the fact that he would not be required to individually take action on the contract or because the contract did not require the action of the "governmental body, department, or agency which he..." served.

We were of the opinion in Opinion No. 141 cited above that this statutory language required compliance whenever an officer was privately interested in any contract directly or indirectly between any entity of the city and himself in his private capacity.

Your specific question appears to concern the breadth of the exclusionary statutory language which reads "the prohibition in this section shall apply only when the officer knows or could reasonably be expected to know that his or her interest will be affected by his or her official action, or by the action of the governmental body, department, or agency which he or she serves." We believe that since all city officers serve the city itself and since the city is clearly a "governmental body" that this language is inclusive enough to require compliance even where the department, agency, or commission on which the individual actually serves is not involved. We base this opinion in part on the Legislature's choice of the words "which he or she serves," as opposed to having chosen "on which he or she serves."

You next inquire as to whether or not in our opinion volunteer fire fighters are "appointed officials" as that term is used in Neb.Rev.Stat. §18-301.01 (1983 Supp.). There appears to be no question but that volunteer firemen are employees for certain purposes such as for workmen's compensation benefits. Neb.Rev.Stat. §48-115 (Reissue 1978). We have examined statutory provisions found in Chapter 35, Article I, dealing with volunteer fire companies. The language there is silent as to their official status. Additionally, we are aware of no decision of the Nebraska Supreme Court on the question of whether or not volunteer fire fighters are officers of the cities they serve. Therefore, with respect to the question of whether or not volunteer firemen are in fact "officers" for these purposes, clarifying legislation would no doubt be most helpful.

Finally, you ask whether or not in our opinion the concept of "merger of offices" would be applicable to volunteer fire fighters. We are not entirely certain that we understand your question, however, it would appear to us that if a volunteer fire fighter were also an officer of the city that the provisions of this section would apply to that individual any time he was privately interested in a contract with the city whether that contract arose out of the volunteer fire fighters function or any other.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:jmh
sl
cc: Patrick J. O'Donnell
Clerk of the Legislature

Enclosure

Opinion No. 148
October 19, 1983

Dear Senator Pappas:

You have asked us several questions in regard to LB 391, Eighty-Eighth Legislature, First Session 1983. Your questions center on whether counties are still required to collect special assessments or to foreclose on delinquent special assessments after the adoption of LB 391. You state that you intend to offer corrective amendments if they are required after reviewing our responses to your questions. We will answer your questions in the order asked.

In your first question you ask whether the passage of LB 391 alters our opinion of August 8, 1975, Opinion No. 111, Report of the Attorney General 1975-1976. In that opinion we stated that the county attorney has a duty to institute foreclosure proceedings on property on which real estate taxes have been paid but special assessments are in default, and that the county treasurer was required to publish a list of delinquent special assessments if they had been certified to the county treasurer.

LB 391 amends §§23-601, 33-114, and 77-1707. It also enacts §19-4501 (Supp. 1983) which is a new article applicable to metropolitan, primary, and first class cities. That section provides:

Any city of the metropolitan, primary, or first class shall have

> authority to collect the special assessments which it levies and to perform all other necessary functions related thereto including foreclosure. The governing body of any city collecting its own special assessments shall direct that notice that special assessments are due, be mailed or otherwise delivered to the last-known address of the person against whom such special assessments are assessed or to the lending institution or other party responsible for paying such special assessments. Failure to receive such notice shall not relieve the taxpayer from any liability to pay such special assessments and any interest or penalties accrued thereon.

As is obvious, this is a permissive statute. It grants to metropolitan, primary, or first class cities authority to collect special assessments. It does not require it nor does it amend any of the sections we referred to in our 1975 opinion, nor have they been otherwise substantially amended since that time. It is therefore, our opinion that LB 391 does not alter our Opinion 111 of August 8, 1975.

In your second question you ask whether counties are still required to collect special assessments and foreclose delinquent special assessments after the passage of LB 391. We have addressed that question in Opinion No.111, and as we have indicated, since no change exists, those same duties and responsibilities still devolve upon the various county authorities.

In question number three you ask whether the county attorney's duty to institute foreclosure proceedings remains the sames after the passage of LB 391. Once again, our opinion is that LB 391 has not affected that duty except to the extent that cities may act in their own capacity should they choose. Assuming all the requirements of law are met, the county attorney retains the duty which we expressed he had under statutory enactments relating to foreclose of taxes and special assessments as set forth in Opinion No. 111.

In your next question you assume that it is our opinion that LB 391 does alter the conclusions we reached in Opinion No. 111 of August 8, 1975. Since those conclusions have not been altered, we believe it unnecessary to answer this question.

In your final question, you ask whether in view of the statutory provisions and LB 391 it is the duty of the county attorney to institute such foreclosure proceedings when imposed by law, or is action by the county board necessary for the county attorney to institute such proceedings. LB 391 has had no effect on §77-1901 (Reissue 1981) which provides in part: "[T]he county board shall make and enter an order directing the county attorney to foreclose the lien for all taxes then deliquent, . . ." As a matter of pleadings, the county attorney is required to show that the county board has, in fact, acted to order the sale as required under §77-1901. It is therefore a requirement in special assessment collections also in that special assessment collections are to be completed in the same manner as are other real estate tax foreclosure proceedings. We find no statute differentiating in this regard and, therefore, believe action by the county board is required.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 153
November 7, 1983

Dear Senator Haberman:

You have asked if commodity check-off boards (Wheat, Soybean, Corn, and Grain Sorghum, established pursuant to Chapter 2, Articles 23, 33, 36 and 40 respectively) may expend the check-off funds to pay the expenses of individuals representing private commodity organizations who attend meetings of national organization the commodity boards may be affiliated with. We note that your inquiry is made for the purpose of determining whether any changes should be made in the four Commodity Acts referred to above.

In answering your question we call attention to a previous inquiry concerning the provisions of the Nebraska Corn Resources Act, in which we stated that the legislative history of the Act contained no suggestion that the Legislature intended that the Board be authorized to do anything "beyond that which was specifically provided in the act." (Report of the Attorney General, #155, Dated December 7, 1981).

With regard to the compensation of members of each of the check-off boards the statutes referred to above provide that the voting members of the boards are entitled to their "actual and necessary expenses" while engaged in the performance of official responsibilities as determined by the board. In addition, the Corn Board is entitled to $25.00 per diem.

With regard to persons other than members of the board, the statutes creating each of the boards provide that the duties and responsibility of the boards include authority "to employ personnel and contract for services which are necessary for the proper operation of the (commodity) program."

From our examination of the legislative history of the acts creating the four commodity boards we find no instance where the Legislature gave any consideration to the compensation of any person other than as referred to above.

It is therefore our opinion that the payment of expenses of one attending meetings of national organizations which the commodity board are affiliated with would not be proper unless the person was a member or employee of the boards, while in the performance of official responsibilities as determined by the boards, or a person acting pursuant to the provisions of a contract for services which are necessary for the proper operation of the various commodity programs as determined by the boards.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:laj
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 154
November 7, 1983

Dear Senator Beutler:

This letter is in response to your request for an opinion whether it is necessary for the legislature to specifically grant statutory authority to an agency to issue duplicate permits, certificates, etc. or whether such authority is statutorily implied through the grant of authority to issue a permit or certificate. Specifically you asked whether the Nebraska Game and Parks Commission, in light of the 1982 repeal of Neb.Rev.Stat. §39-1108, has the statutory authority to issue duplicate park entry permits or whether corrective legislation is necessary.

There is no general statute or case law which authorizes permitting authorities to issue duplicate permits. However, Nebraska statutes do authorize agencies to issue specific duplicate licenses and permits. For example, in the event of the loss, mutilation, or change of address, Neb.Rev.Stat. §60-415 (1982 Cum. Supp.) provides for the issuance or replacement of a motor vehicle operator's license for a fee of two dollars. Similarly, Neb.Rev.Stat. §37-2401 (Cum. Supp. 1982) authorizes the Game and Parks Commission to issue duplicate hunting, fishing or fur harvesting permits for a fee of one dollar and fifty cents if the original permit was lost. Section 37-202.01, effective January 1, 1984, similarly provides for the issuance of duplicate lifetime game and fish permits for a fee of one dollar and fifty cents, subject to the purchase of annual stamps.

The Legislature in enacting LB 81 in 1977, Neb.Rev.Stat. §37-1106

(1977) (revised in 1978 by LB 742 §3) provided that duplicate park entry permits could be issued for the fee of one dollar. In 1980, it specifically repealed this provision. During the 1983 session, the Legislature enacted its latest version of the duplicate park permit statute, again authorizing issuance of duplicate permits, effective January 1, 1984, at half the price of the annual permit. It is our opinion that the Legislature's repeal of this specific authorization repealed the Commission's authority to issue such duplicate permits. "Where a statue is revised and some parts are omitted, despite a legislative intention to cover the whole subject,...such omitted parts may not be revived by construction." 82 C.J.S., Statutes §306.

It is therefore our conclusion that the Nebraska Game and Parks Commission does not now have the authority to issue a duplicate park entry permit and will not have such authority until LB 199, 88th Legislature, First Session (1983) becomes operative on January 1, 1984.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:dr
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 155
November 3, 1983

Dear Senator Pirsch:

This is in response to your inquiry in which you ask whether the game of Keno would fit under the present definitions of bingo or lottery in the Nebraska statutes.

You state that you need this information for the possible drafting of legislation.

Section 9-127 (Supp. 1983), effective August 26, 1983 defines bingo as follows:

> (1) The winning chances are determined by a random selection of a subset of numbers or designators or objects numbered, lettered, or otherwise designated by some medium among a total set of numbers or designators or objects numbered, lettered, or otherwise designated by some medium; and
>
> (2) The card or cards held by the player by which a winner or winners are ascertained is sold, rented, or used only at the time and place of the gambling activity.

You have described the game of Keno as follows:

Basically, the game starts with a blank card on which the player writes done [sic] five numbers within a certain group of numbers, i.e. 1-50. The card is then turned in and the operator draws numbers at random, consecutively. If the player's numbers are drawn within a certain amount of numbers, he wins. The fewer numbers drawn for the win, the more money is won. The times necessary to draw determine the amount won.

As in the definition in §9-127 above, the winning chances in the game you describe are determined by a random selection of a subset of numbers among a total set of numbers and the card held by the player is used only at the time and place of the gambling activity.

In view of the broad definition in the above section, it is our opinion that Keno as described would come therein and would therefore be subject to the provisions of the Nebraska Bingo and Pickle Card Regulatory Act, of which the above section is a part.

Lottery is defined by §28-1101 (6) (Supp. 1983) as follows:

> Lottery shall mean a gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones, (b) the winning chances are to be determined by a drawing or by some other method based on an element of chance, and (c) the holders of the winning chances are to receive something of value.

In Contact, Inc. v. State, 212 Neb. 584, 324 N.W. 2d 804 (1982) the Supreme Court of Nebraska, interpreting identical language to that quoted above contained in 28-1101 (6) held that the necessary elements of a lottery in said definition were chance, prize, and consideration.

Therefore, it seems clear, that the game of Keno, as well as bingo, would fall within the definition of a lottery when the players agree to pay something of value for the chance to play.

While you did not inquire, we should further point out that under§28-1101 (4) a person engages in gambling if he conducts or participates in any bingo not authorized or conducted pursuant to the Nebraska Bingo and Pickle Card Regulatory Act.

Since Keno, as defined herein, would come within the definition of either bingo or lottery, it cannot be legally played when a prize is awarded and consideration is charged to a player, except pursuant to the Nebraska Bingo and Pickle Card Regulatory Act.

Respectfully Submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Melvin Kammerlohr
Assistant Attorney General

MK:jlf
cc: Patrick J. O'Donnell

Clerk of the Legislature

Opinion No. 156

November 14, 1983

Re: Authority for City of Omaha and Douglas County
to Make the County Solely Responsible for the
Health Department in Douglas County

Dear Senator V. Johnson:

You indicate that the City of Omaha and Douglas County have agreed that the present county-city health department will become a county health department as of July 1, 1984. That is,they have agreed that after that date the health department will be under the control of the county and the city will not contribute to the funding of such department or have a department of its own. You ask if there are any statutory provisions which would need to be changed by legislation in order for this change to occur. There are not, as discussed below.

Neb.Rev.Stat. §71-1627 (Reissue 1981) authorizes a county to establish a county health department. Under Neb.Rev.Stat. §71-1635 (Reissue 1981), when the county board of any county thus creates a health department, every municipal health agency or department, except city hospitals, may be abolished, and said county health department may be given full control over all health matters in the county.

Under Neb.Rev.Stat. §71-1628 (Reissue 1981) a county health department may cooperate with any city which has an established department of health in the establishment and maintenance of a city-county health department. The duration and nature of such an agreement shall be evidenced by resolutions of the city council of the city and county board participating. Such agreement shall be submitted to and approved by the Department of Health. This option was chosen by Douglas County and the City of Omaha back in 1949, effective January 1, 1950.

Now that the parties to that agreement want to exercise the option of a county health department with full control in the county and no city health department, we see no impediment in the above statutes. Thus no legislative changes are needed for the change from a city-county to a county health department to occur in this case.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 158
November 21, 1983

Dear Senator Wesely:

You have asked our opinion as to whether current Nebraska law provides for a guarantee of the employee account value for members of the State Employees Retirement System. We conclude that it does not.

You refer to our letter of July 25, 1983, to the State Investment Officer, in which we concluded that Neb.Rev.Stat. §84-1310 (Reissue 1981) did not guarantee that the employee accounts would never decrease. You express concern, however, that the amendments to §84-1310 by LB 313 in the last session of the Legislature might have changed that answer.

Neb.Rev.Stat. §84-1310 (Supp. 1983) now provides:

> A member's share of the fund arising from the salary deductions made in accordance with the provisions of section 84-1308 shall be known as his or her employee account. Each year commencing January 1, 1975, regular interest shall be credited to the employee account. As of January 1 of each year, a member's employee account shall be equal to one hundred per cent of his or her employee account as of the next preceding January 1, increased by any regular interest earned and any amounts deducted from the member's salary since the next preceding January 1 in accordance with the provisions of section 84-1308.

As you point out, the statute, in stating that the member's employee account shall be equal to one hundred percent of his or her employee account as of the preceding January, increased by interest earned and contributions, seems to contemplate that it shall not diminish. It appears that the Legislature may have contemplated that, and not taken into account the possibility that the account would decrease in value, but we find nothing in the act which would remedy the situation, should a loss occur.

Neb.Rev.Stat. §84-1308 (Reissue 1981) provides that the funds deducted from employee salaries shall be paid to the State Investment Officer. He is charged with the responsibility of investing them. To date, at least, he has executed this responsibility by turning them over to a primary carrier. However, whether he entrusts the funds to a primary carrier, or invests them in some other fashion, there is always the possibility of a loss. The question is whether §84-1310 provides that the state will make up any such loss by appropriation from the General Fund.

An examination of the entire act furnishes no basis for concluding that the Legislature had any such intention. We would certainly not infer such an important provision in the absence of unequivocal statutory language. We have examined the committee hearing and the floor debate on LB 313, and find absolutely nothing which indicates such an intention.

The Director of the Retirement Systems testified at the committee hearing, and said that the purpose of the bill was to make technical corrections to clarify current law. Senator Fowler, discussing the bill on the floor, said that all the bill did was to bring the statute into conformity with policy changes adopted two years previously, and that it had no fiscal impact. This would hardly be consistent with a change so fundamental as having the Legislature undertake to appropriate funds to make up any losses suffered by the investment of the employee accounts by the State Investment Officer, or by the insolvency of the primary carrier.

We therefore conclude that the Legislature, in using the language you refer to in §84-1310, simply did not take into account the possibility of a loss incurred by the employee accounts. It did not intend to guarantee them.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 159
November 22, 1983

Dear Senator Pappas:

In your letter of November 18, 1983, you ask whether new legislation, or amendatory legislation, is needed to correct what you apparently perceive as a lack of uniformity of assessment between urban and agricultural real property. We cannot answer your question as to the need for legislation, but can only give you a general background as to equalization of assessments of property.

Article VIII, Section 1, of the Nebraska Constitution requires that taxes shall be levied by valuation uniformly and proportionately upon all tangible property. This means that, theoretically, at least, the assessment of all real estate must be uniform, regardless of class. In County of Gage v. State Board of Equalization & Assessment, 185 Neb.

749, 178 N.W. 2d 759 (1970), the court said:

> Many witnesses seem to assume that real property taxes may be equalized if property is classified, and the same values applied to the same classification of property in all counties. The Constitution itself flatly contradicts such a conclusion. Art. VIII, §1, Constitution of Nebraska.

Not only is all real property required to be assessed uniformly, but it is required to be assessed uniformly with taxable personal property. In Grainger Brothers Co. v. Board of Equalization, 180 Neb. 571, 144 N.W.2d 161 (1966), the court said:

> Under the Constitution of Nebraska, Article VIII, section 1, business inventories and real estate are in the same class for taxation purposes, and properties within the same class are required to be valued and assessed uniformly and proportionately in order that equalization obtain.

While uniformity of assessment is constitutionally required, uniformity in the method of determining actual value is not. In Banner County v. State Board of Equalization & Assessment, 206 Neb. 715, 295 N.W.2d 682 (1980), we find:

> The statute further authorizes the Tax Commissioner to use any other relevant matter in considering intercounty equalization. The use of the Land Valuation Manual certainly comes within the definition of "other relevant matter." The Tax Commissioner is not limited to the use of one method of valuing property. "It is possible, and probably necessary, to use different methods for some of the counties, but the record must show the correlation between the various methods used in the attempt to achieve a reasonable degree of uniformity." County of Sioux, supra at 747, 178 N.W.2d at 758. The question of correlation is dealt with in Box Butte County v. State Board of Equalization and Assessment, supra.

You ask whether the Tax Commissioner needs "to have the Board equalize assessments fairly in order to equalize taxation among the class." While the Tax Commissioner is a member of the State Board of Equalization and Assessment, that board is clearly not subject to his control. Whether it has equalized fairly is a factual question, subject to review by the Supreme Court, not by the Tax Commissioner.

You also ask whether the state board, "through its nonaction" is allowing improper taxation. This is purely a factual question, subject to dispute by the contending factions, and is not something that we can answer.

You also ask whether persons, counties, or municipalities which have appealed to the state board have standing to appeal the equalization that has not been achieved throughout the county. We assume you are not talking about any current appeals, but as to rights in the future.

Neb.Rev.Stat. §77-510 (Reissue 1981) gives any person, county, or municipality affected by a final decision of the State Board of Equalization and Assessment authority to appeal to the Supreme Court. Obviously, such persons or entities have authority to appear before the State Board of Equalization and Assessment and present evidence to support their contentions. However, we point out that the function of the State Board of Equalization and Assessment is primarily to achieve intercounty equalization, not intracounty equalization. It can, and does, however, sometimes apply different rates of increase or decrease to various classes of taxable property in a particular county. Its goal in this, however, is to achieve intercounty rather than intracounty, equalization.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 162
December 7, 1983

Dear Senator DeCamp:

This is in response to your inquiry concerning LB 259 of the 1982 session which created the Bingo and Pickle Card Regulatory Commission. You indicate you are considering remedial legislation. You ask:

1. Without changing the Nebraska Statutes, can a license be granted to a group that currently has a valid bingo license even though they have not been in existence for five years, but were granted a license previously by the State Treasurer's Office?
2. In Article III, Section 24 of the Nebraska State Constitution, is a nonprofit association the same thing as a nonprofit organization and if so, can the parent organization qualify for the group if it has been in existence for five years?

The answer to the first question is no. Section 9-141(f)(Supp. 1983) requires that an organization listed as being qualified to obtain a bingo license must have been in existence for five years immediately preceding its application for a license. This requirement of five years in existence has been in the statutes since 1978 and was not newly enacted in 1982 by LB 529. See, §9-141(f) (Supp. 1982).

Therefore, any license granted previously by the State Treasurer's Office to a group not in existence for five years was not a valid license as assumed in your question. There is no legal doctrine to support a suggestion that an unauthorized issuance of a license in one year requires its reissuance. Even if the previous license had been valid, §9-141(4) (Supp. 1983) provides that each valid bingo license issued prior to August 26, 1983, shall terminate 30 days after August 26, 1983.

In answer to your second question, it does not appear to us that there is any legal distinction between the words "association" and "organization." The parent organization may qualify in some cases but would be limited, the same as any single licensee.

The constitution requires that bingo games be "conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license."

Assuming a parent organization which has been in existence for five years were granted a license, it would have to "conduct" the bingo games since it would be the licensee and its subchapters would not meet the five year requirement. There are other provisions of the statutes which it would have to comply with, the same as any single licensee. For example, §9-144 provides in part: "No licensed organization may conduct a bingo occasion outside of the county in which the licensed organization has its principle office." Under the foregoing section, a licensee is restricted to conducting bingo in one county only.

There are a number of other requirements contained in Article I, Section 9 (Supp. 1983) which bingo licensees are required to comply with. In addition, the commission is required to adopt and promulgate rules and regulations to carry out the act.

We cannot flatly say that all parent organizations in existence more than five years could not qualify and comply as a licensee under the act, but it would require careful attention to a number of statutes and regulations to lawfully use such license. Each such application would have to be examined as to its own individual make up to determine if it were qualified under the act.

You also state in your letter that you are troubled by senior citizens groups that can no longer play bingo if any members who play are under 62 years of age.

Section 9-141 (g) (Supp. 1983) exempts certain senior citizens groups from meeting the requirements that other nonprofit organizations must met to obtain a license; this subsection provides:

> None of the provisions of this section shall prohibit senior citizens groups from organizing and conducting bingo pursuant to the Nebraska Bingo and Pickle Card Regulatory Act when bingo is played only by members of the senior citizens groups conducting the bingo. For purposes of this section, senior citizens group shall mean any organization whose membership consists entirely of persons who are at least sixty-two years old.

The last sentence of the foregoing subsection was added by the 1983

Legislature.

Hoping this will be of assistance to you we are,

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 163
December 13, 1983

Dear Senator Wesely:

This is in reply to your inquiry concerning the return of cash bail deposited to assure the appearance of the defendant in a criminal case. You state this opinion is needed for a legislative purpose to determine if legislation is needed.

You specifically ask if the court may return all of the cash bond to a defendant, instead of retaining ten percent for costs as directed by Neb.Rev.Stat. §29-901 (3) (Reissue 1979), particularly in the case where the charges are dismissed and the person is no longer required to appear.

Enclosed is a copy of Opinion No. 142 issued November 12, 1975, by this office concerning a similar question which we have reviewed and find to still be valid. As concluded in that opinion, the wording of the statute that "ten percent to be retained by the clerk as appearance bond costs" compels the conclusion that this amount is to be kept irrespective of the later processing of the case.

This bill was a result of an extensive study by the Legislative Council on bail bonds and the provision in question here was adopted verbatim from the Illinois law. The practice in Illinois was to retain the ten percent and return the ninety percent of the cash bond when the condition was fulfilled or when the defendant was acquitted after trial or the case dismissed.

A class action was commenced on behalf of all persons who had put up cash bonds contending that keeping the ten percent for bond costs after a dismissal or acquittal after trial was unconstitutional. However, the Supreme Court of Illinois upheld the constitutionality of the act in all respects. It concluded that those who elected to use the ten percent bond provision constituted a separate class and that all persons within that class were treated equally. The argument that the retention of the bond costs discriminated against the poor because rich persons could use some other type of bail, which did not contain such provision, was also dismissed by the court. The court stated that there was no evidence to support the contention that this discriminated against the poor; that it could be as logically argued that the one percent of the total bond retained for costs was a reasonable fee that the relatively affluent might rather pay than tie up large amounts of cash or property for an indefinite period. The court concluded that in any case it was clear that the choice between the different kinds of bail was not necessarily dictated by whether the defendant was wealthy or poor.

As to the contention that a flat one percent cost bond was arbitrary since one percent on a large amount would provide much greater costs than on a smaller amount, the court dismissed by listing a number of different forms of taxation based upon a flat percentage which have been held not to be discriminatory.

The court concluded by saying that the classification bears a reasonable relationship to the objects sought to be obtained which were, as evidenced by the record and legislative studies, to eventually eliminate the power of bail bondsmen over criminal defendants and get this matter back in the hands of the court. It pointed out that the ten percent bail was customarily the percentage the criminal defendant had to pay a bail bondsman as commission which was never returned to the defendant. Schilb v. Kuebel, (S.Ct. Ill.), 264 N.E.2d 377, 46 Ill.2d 538.

A study of the two largest counties in Nebraska indicates that the practice is uniform, that upon dismissal of a case before appearance that ninety percent of the original ten percent is refunded to the defendant and the other ten percent is retained as bail bond costs.

It is therefore our opinion that in all cases where a defendant puts up a ten percent cash bond under the provisions of Neb.Rev.Stat. §29-901 (3) (Reissue 1979) that ten percent thereof is to be retained as bail bond costs.

You also ask about Neb.Rev.Stat. §29-901.04 (Reissue 1979). This section authorizes a judge who shall order release of a defendant on any condition specified in §29-901 to later amend his order to impose additional or different conditions of release. You ask, in the case where the court has authorized, and defendant has deposited, the ten percent cash bond under §29-901 (3) (a), if this may be returned in full on amended order of release.

We think this question has been answered by the enclosed opinion which contains the computation of the amount to be returned and the amount to be retained upon reduction of the bond by the court.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
enc.
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 165
December 19, 1983

Dear Senator Pirsch:

This is in response to your inquiry concerning the administration of Community Development Block Grant Funds by the State Department of Economic Development.

You state that you need this information for your legislative duties.

Specifically, you ask: Is the Department of Economic Development legally required to draft rules and regulations to administer the federal funds under the above program? Answer, no.

As you state, the federal regulation concerning the administration by the state of CDBG non-entitlement funds are contained in 24 C.F.R. §570.

These federal regulations require, among other things, record keeping by the state; §570.497; performance reports sufficient to provide an adequate basis for the determinations required to be made by the Secretary of Housing and Urban Development; §570.498; certification by the state that the grant "will be conducted and administered in conformity with Public Law 88-352 and Public Law 90-284," and that the grantee will comply with the other provisions of the Act and other applicable laws.

In the comments explaining said regulations it is pointed out that numerous persons requested greater specification of the content and form of the state's annual report to the Secretary beyond the general requirement in the regulations. However, the department determined that the necessity of further prescription of the contents of the annual performance reports had not been established.

We find nothing in said regulations requiring the recipient state to promulgate formal rules and regulations.

Neb.Rev.Stat. §81-1228 (Reissue 1981) provides in part:

> The Department of Economic Development shall have the following powers:
>
> . . .
>
> . . .
>
> (3) To adopt, amend, and repeal rules, regulations, and bylaws governing its procedures and activities;
>
> . . .
>
> (5) To submit and adopt all necessary plans, enter into contracts, and accept gifts, grants, and federal funds; and . . .

While the department has the authority to adopt rules and regulations, we find nothing requiring them to do so to administer the block grant funds here in question.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:cmb
m21
cc: Patrick J. O'Donnell
Clerk of the Legislature

COMMUNICATIONS

Received copy of Senate Concurrent Resolution No. 40 from both Houses of the California Legislature relating to Taiwan, the Republic of China.

Received copy of Resolution #30 from Saunders County Board of Supervisors in regard to the issuance of license plates beginning in 1984.

Received copy of a resolution from Butler County Board of Supervisors in regard to the issuance of license plates beginning in 1984.

REPORTS

The following reports were received by the Legislature:

Audit report from the Auditor of Public Accounts for the following: Nebraska Accountability and Disclosure Commission, State Treasurer of Nebraska, Department of Agriculture, Department of Environmental Control, District Courts, Nebraska State Racing Commission, Department of Revenue, Nebraska Educational Television Commission, Nebraska Natural Resources Commission, Department of Labor, Board of Examiners for Landscape Architects, Nebraska Game and Parks Commission, Nebraska Gasohol Committee, Department of Public Welfare, Nebraska Public Service Commission.

Proposed lease contracts from State Building Division for the following: Records Management in Omaha, Department of Education in Norfolk, Department of Labor-Job Training Program in Columbus, Department of Education in O'Neill, and Nebraska State Patrol in Chadron, Commission for the Hearing Impaired-Lincoln Area Health

Education Center.

A survey report from the State Personnel Board pursuant to Statute 81-1337 which was reviewed and verified in the Annual Salary Survey Report.

Reports from Nebraska Agricultural Development Corporation pursuant to Section 2-4135.

Statements of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar months of May through November, 1983 from the Nebraska Department of Revenue in compliance with Section 66-476, R.S. Supp. 1980.

Program evaluation pursuant to Section 81-1843 to 1848, R.S. Supp. 1981, from the Nebraska Crime Victim's and Witnesses Program.

Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process from the Natural Resources Commission in accordance with Section 2-3289 R.S. Supp. 1981.

Annual report from Nebraska Coordinating Commission for Postsecondary Education.

Annual report from the State Accident Records Bureau of the Department of Roads.

Quarterly report from the Nebraska Energy Office.

Annual report from the Nebraska Mortgage Finance Fund.

Annual report from the Education Commission of the States.

Copy of the Agreement for the Establishment of a Sister State Relationship between the State of Nebraska of the United States of America and the Province of Taiwan of the Republic of China.

1984 manual from the Nebraska Community Improvement Program.

Report by the Performance Review and Audit Committee pursuant to Section 81-1,101.

Attorney General's Task Force report on Odometer fraud.

Quarterly reports from the Department of Roads for the Nebraska State Highway Commission as of June 30, 1983 and September 30, 1983.

Annual Fiscal Report from the Department of Administrative Services Accounting Division in accordance with Statutes 81-1125.01, R.R.S. 1943.

Report from the Department of Roads of a long-range five year plan of scheduled design, construction and improvement for all exterior access roads and interior service roads in accordance with Section 39-1392 R.R.S. 1943.

COMMUNICATION

Received a note of appreciation from the Walter Robinson family.

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1983 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
South Platte	
Van Steenberg, Myers & Burke	8,976.28
Lower Big Blue	
Everson, Noble, Wullschleger, Sutter, Sharp & Korslund	37.50
Upper Loup	
None	
Middle Niobrara	
Crosby, Guenzel, Davis, Kessner, & Kuester	1,331.45
Middle Republican	
Hayes County Abstract Co.	428.00
Lower Niobrara	
Attorney's	14,998.84
Upper Niobrara-White	
None	
North Platte	
Holtorf, Kovarik, Nuttleman & Ellison, P.C.	846.80
Lewis and Clark	
None	
Twin Platte	
Nielsen & Birch Law Offices	1,414.28

Cook & Kopf, P.C.	12,393.34
Tri-Basin	
Anderson, Strasburger, Klein, Peterson & Swan	260.00
Little Blue NRD (portion of legal fees on law suit - Catherland Project	3,120.95

RESOLUTIONS

Resolutions introduced during the Eighty-Seventh Legislature, First Session and still under consideration.

LEGISLATIVE RESOLUTION 37.

Introduced by Landis, 46th District; Kilgarin, 7th District; Fowler, 27th District; Wesely, 26th District; DeCamp, 40th District.

WHEREAS, President Ronald Reagan on Saturday, February 26, 1983 announced that he is planning to ask the U.S. Congress to enact federal legislation to provide for the immediate decontrol of the natural gas industry;

WHEREAS, Nebraska is a natural gas importing state and would stand to be harmed by this action;

WHEREAS, immediate decontrol by the federal government of natural gas would add next year about 24” per bushel to the cost of production for corn and about 19” per bushel for the cost of production for wheat according to the U.S. Congressional Research Service;

WHEREAS, immediate decontrol of natural gas would cost all Nebraska natural gas consumers over $1.5 billion in higher gas prices than we are expected to pay during the next five years - over $300 million more per year than would probably occur under the current federal policy;

WHEREAS, over 75 percent of Nebraska's current supply of natural gas is contracted for "old gas" (i.e., discovered and developed prior to 1977) which is priced at about $1.00 per 1000 cubic feet;

WHEREAS, immediate decontrol of natural gas would allow old gas prices to rise to the average wellhead price of nearly $3.00 per 1000 cubic feet — immediate decontrol could mean a doubling to tripling in the wellhead price of gas entering Nebraska;

WHEREAS, the current federal policy of particial decontrol provided for in the Natural Gas Policy Act of 1978 has provided gas producers significantly higher prices and greater incentives to develop new gas supplies;

WHEREAS, additional decontrol and the resulting higher prices would not provide any additional incentive for gas reserve development due to the current U.S. glut of gas supplies;

WHEREAS, the natural gas industry is a monopolistic industry and if fully deregulated would not function as a free market were the market forces of supply and demand would result in the most reasonable prices for consumers;

WHEREAS, the current problem with "take or pay contracts" often cited as a major reason for immediate decontrol can be resolved by the U.S. Congress without immediate decontrol and through alterations in the current Natural Gas Policy Act of 1978;

NOW, THEREFORE BE IT RESOLVED, BY THE MEMBERS OF THE NEBRASKA LEGISLATURE, 88TH LEGISLATIVE SESSION:

1. That this Legislature finds the immediate decontrol of natural gas as proposed by President Reagan would unduely cause natural gas prices to rise without the benefits of enhanced supplies or the development of a free market;
2. That this Legislature is opposed to the Congression enactment of the immediate decontrol of natural gas as proposed by the Reagan Administration; and
3. That the Clerk of the Legislature send copies of this resolution to President of the United States, the Nebraska Congressional Delegation, and the Speaker of the United State House of Representatives, and the President of the United States Senate

LEGISLATIVE RESOLUTION 38.

Introduced by Wesely, 26th District.

WHEREAS, the Nebraska Mortgage Finance Fund, through the issuance of tax-exempt single family mortgage revenue bonds, has made it possible for nearly six thousand low- and moderate-income families in Nebraska to realize the American dream of home ownership and for over five hundred low- and moderate-income families in Nebraska to improve and make energy efficient their existing single family homes; and

WHEREAS, realization of home ownership and home and energy conservation improvements would otherwise have been denied those families because of their inability to meet the high down payment requirements and high monthly mortgage payments of conventional financing; and

WHEREAS, the housing industry in Nebraska, beleaguered by high interest rates and the high cost of housing, fueled by runaway inflation, has been materially benefited by the additional financing provided by the Nebraska Mortgage Finance Fund; and

WHEREAS, the 96th Congress enacted the Mortgage Subsidy Bond

Tax Act of 1980, which was signed into law on December 5, 1980, as Public Law 96-499, and which provides that no such tax-exempt single family mortgage revenue bonds may be issued after December 31, 1983; and

WHEREAS, such provision of the Mortgage Subsidy Bond Tax Act of 1980 nullifies the action of the Nebraska Legislature in creating the Nebraska Mortgage Finance Fund with respect to the financing of the ownership and improvement of single family homes through the issuance of tax-exempt obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

(1) That the 98th Congress be urged to take prompt action in amending the Mortgage Subsidy Bond Tax Act of 1980 to extend the sunset date of December 31, 1983 to permit the issuance of tax-exempt single family mortgage revenue bonds subsequent to December 31, 1983.

(2) That each member of the Nebraska Congressional delegation be urged to support such amendment in order that the fine record of the Nebraska Mortgage Finance Fund may be continued.

(3) That the Clerk of the Legislature forward a copy of this resolution to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and each member of the Nebraska Congressional delegation.

LEGISLATIVE RESOLUTION 62.

Introduced by Jacobson, 33rd District.

WHEREAS, President Ronald Reagan on Saturday, February 26, 1983 announced that he is planning to ask the U.S. Congress to enact federal legislation to provide for the immediate decontrol of the natural gas industry;

WHEREAS, Nebraska is a natural gas importing state and would stand to be harmed by this action;

WHEREAS, immediate decontrol by the federal government of natural gas would add next year about 24” per bushel to the cost of production for corn and about 19” per bushel for the cost of production for wheat according to the U.S. Congressional Research Service;

WHEREAS, immediate decontrol of natural gas would cost all Nebraska natural gas consumers over $1.5 Billion in higher gas prices than we are expected to pay during the next five years - over $300 million more per year than would probably occur under the current federal policy;

WHEREAS, the current problem with “take or pay contracts” often cited as a major reason for immediate decontrol can be resolved by the U.S. Congress without immediate decontrol and through alterations in the current Natural Gas Policy Act of 1978;

NOW, THEREFORE BE IT RESOLVED, BY THE MEMBERS OF THE NEBRASKA LEGISLATURE, 88TH LEGISLATIVE SESSION:

1. That this Legislature finds the immediate decontrol of natural gas as proposed by President Reagan would unduly cause natural gas prices to rise without the benefits of enhanced supplies or the development of a free market;
2. That this Legislature is opposed to the Congressional enactment of the immediate decontrol of natural gas as proposed by the Reagan administration;
3. That the regulation of old gas should remain under the NGPA, but that the deregulation of new gas is essential and should take place on a gradual basis as scheduled;
4. That there should be a reduction in take-or-pay requirements that call for a pipeline company to pay for a specific portion of gas from a well whether or not that gas is actually used, and that pipelines are allowed to blend more of their older, less expensive supplies with the new higher cost gas;
5. That gas contracted for after enactment of NGPA modifications should be deregulated and classified as "new new" gas;
6. That a price cap, based on an annual national average price paid for "new new" gas, should be placed on all gas currently controlled under the NGPA and which is scheduled for decontrol by the Act;
7. That there should be provided a one-time "market-out" for any gas purchased which is presently decontrolled or subject to special pricing, and that this one-time termination option by either the pipeline or the producer would allow for the renegotiation of the price by the pipeline or the sale of this high priced gas by the product to another purchaser; and
8. That the Clerk of the Legislature send copies of this resolution to the President of the United States, the Nebraska Congressional Delegation, and the Speaker of the United States House of Representatives, and the President of the United States Senate.

LEGISLATIVE RESOLUTION 70.

Introduced by Newell, 13th District; Pappas, 42nd District; Marsh, 29th District; Eret, 32nd District; Kahle, 37th District.

WHEREAS, the third phase tax cut of the Economic Recovery Act of 1981 is scheduled to take effect on July 1, 1983; and

WHEREAS, the Nebraska tax structure is tied directly to the Federal tax liability and thus is affected by the proposed tax cuts; and

WHEREAS, the federal loss of revenue due to the tax cut is projected for fiscal year 1983, 1984, and 1985, at $7.2 billion, $30.2 billion, and $32.9 billion respectively, as calculated by the Congressional Budget Office; and

WHEREAS, the budget deficit, when this third phase tax cut occurs and current federal policy is left unchanged, is projected by the Congressional Budget Office for fiscal years 1983, 1984, and 1985, at $194.6 billion, $200.9 billion, and $210.5 billion respectively, or if one uses the President's more optimistic deficit figures of $208 billion, $189 billion, and $194 billion in those respective years; and

WHEREAS, the interest on the federal deficit as calculated by the Congressional Budget Office for fiscal years 1983, 1984, and 1985, at $87.3 billion, $96 billion, and $106.9 billion, respectively, or as projected by President Reagan's staff at $87.3 billion, $96 billion, and $105 billion in those respective years; and

WHEREAS, the most recent estimate by the Nebraska Department of Revenue as to the effect of federal tax cuts on Nebraska was in 1982 and was then projected to decrease state revenue by approximately $60 million; and

WHEREAS, there is a need to balance the federal budget and the Nebraska Constitution requires a balanced budget; and

WHEREAS, the proposed tax cuts are financed through deficit spending and force future generations to pay for these cuts for years to come; and

WHEREAS, the tax cuts will primarily go to those individuals and corporations in the higher income tax brackets; and

WHEREAS, the premise of supply-side economics has been unsupported by actual experience.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That this Legislature go on record urging our Representatives in Washington to delay the implementation of the third phase tax cuts as authorized by the Economic Recovery Act of 1981 and scheduled for July 1, 1983.
2. That this Legislature go on record urging our Representatives in Washington to renew efforts to balance the federal budget and/or decrease the rate of increase of the federal budget deficit.
3. That this Legislature go on record urging our Representatives in Washington to cut back on defense spending and freeze domestic spending so that we can move toward a more balanced budget.
4. That a copy of this Resolution be sent to the President of the United States and Nebraska's Congressional Delegation.

LEGISLATIVE RESOLUTION 71.

Introduced by Wesely, 26th District; Cullan, 49th District.

WHEREAS, 13,900 citizens of the State of Nebraska are now receiving railroad retirement benefits which they expect to receive upon retirement; and

WHEREAS, 12,600 railroad employees in Nebraska are now working with the expectation of reasonable protection of their retirement benefits; and

WHEREAS, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic affect on the ability of these beneficiaries to meet normal living expenses; and

WHEREAS, projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the future; and

WHEREAS, a bill, H.R. 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Mr. Florio; and

WHEREAS, H.R. 1646 would resolve the short-term and long-term financial problems of the railroad retirement system, through tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving and those who would receive such benefits in the future.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature urges the Members of Congress representing the State of Nebraska to actively support and vote favorably on H.R. 1646, the Railroad Retirement Act of 1983.
2. That the Clerk of the Legislature send copies of this resolution to the President of the United States, the Nebraska Congressional delegation, the Speaker of the United States House of Representatives, and the President of the United States Senate.

LEGISLATIVE RESOLUTION 87.

Introduced by Haberman, 44th District.

WHEREAS, the Merchant Marine Act of 1936 as amended by the Cargo Preference Act of 1954 requires that 50% of government-sponsored commodity shipments (PL480 cargoes) move in U.S. vessels; and

WHEREAS, such requirement has cost $337 million since fiscal year

1980; and

WHEREAS, had those shipments moved on the most competitive and cost efficient vessels available, the savings could have financed approximately 62 million bushels of additional wheat exports, an amount equal to 60% of Nebraska's annual wheat crop; and

WHEREAS, the increased cost of subsidizing the maritime industry came out of the pockets of Nebraska farmers and the state's economy as a result of reduced foreign demand, lower commodity prices and negative economic spinoffs to the state; and

WHEREAS, maritime subsidies amounted to $21,853 per maritime employee in 1981 and were more damaging to the U.S. agricultural economy than they were beneficial to other sectors; and

WHEREAS, the required use of U.S. vessels increases the freight cost of exporting U.S. agricultural commodities by as much as $2.12 per bushel over world freight rates, making U.S. commodities less competitive in world markets.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature of Nebraska opposes cargo preference laws that require 50% of all "concessional" export credit sales be carried on U.S. ships.
2. That the Legislature of Nebraska is concerned with the effectiveness of present governmental policies and programs relating to cargo preference.
3. That a copy of this resolution be sent to the President of the United States, the Secretary of Agriculture, the Secretary of Commerce, and the Nebraska Congressional Delegation.

LEGISLATIVE RESOLUTION 197.

Introduced by Carsten, 2nd District; Lundy, 36th District; Fenger, 45th District; H. Peterson, 35th District; Goodrich, 20th District; Hefner, 19th District; Chronister, 18th District; Beyer, 3rd District; R. Johnson, 34th District; Clark, 47th District; Schmit, 23rd District; Pappas, 42nd District; Nichol, 48th District; Kahle, 37th District; DeCamp, 40th District; Lamb, 43rd District; Vickers, 38th District; Wagner, 41st District; R. Peterson, 21st District; Jacobson, 33rd District; L. Johnson, 15th District; Von Minden, 17th District; Barrett, 39th District; Sieck, 24th District; Eret, 32nd District; Goll, 16th District; Haberman, 44th District; Remmers, 1st District.

WHEREAS, the U.S. Department of Interior in 1978 designated a 50-mile reach of the Platte River in central Nebraska as a "critical habitat area" for the endangered whooping crane; and

WHEREAS, this action followed a rejection by Nebraska and federal entities of proposed national wildlife refuge designation for the same area; and

WHEREAS, the critical habitat designation was made on the basis that the Platte River was crucial to the future survival of the whooping crane; and

WHEREAS, the designation of the Platte River as a critical habitat area for the whooping crane threatened any future water resources development or beneficial use of the Platte River and its water for agriculture and other human necessities; and

WHEREAS, the critical habitat area is by definition an area which if lost would appreciably decrease the likelihood of the survival and recovery of an endangered species (Federal Register rulemaking notice, May 15, 1978, U.S. Fish and Wildlife Service, 4310-55); and

WHEREAS, no scientific evidence has been put forward to establish that the Platte River and maintenance of its environment as it is today is necessary for the survival of the whooping crane, and evidence does exist to the contrary; and

WHEREAS, the endangered whooping crane that has a small known population is a close relative of the highly abundant Sand Hill crane; and

WHEREAS, the earliest known records of cranes include a fossil find of the Sand Hill crane in northeast Nebraska that is known to have lived 9 million years ago; and

WHEREAS, the earliest records of the U.S. Fish and Wildlife Service on the migration patterns of the whooping crane indicate that it existed and migrated across a vast breadth of the United States from Illinois to the west coast; and

WHEREAS, whooping crane fossils have been found in the Pleistocene formation which dates from 10,000 to 2 million years ago, in the States of California, Idaho, Michigan, Virginia, Florida, and Arizona; and

WHEREAS, whooping crane fossils in a 1977 Kansas find dated back 25,000 to 30,000 years ago; and

WHEREAS, the last ice age across Nebraska and the Plains States, was the Wisconsinan period from about 70,000 to 100,000 years ago, and the present breeding areas of the whooping crane were under the Continental ice sheet of that period; and

WHEREAS, the geologic records indicate the adaptability of the whooping crane to climatic changes for migration and breeding purposes, and as such a single area such as the Platte River could not and should not be considered crucial or vital to the survival of the species; and

WHEREAS, the Platte River as it is today is a very young river, and it and the Great Bend area of the Platte did not exist before 25,000 years ago; and

WHEREAS, in the last 50 years (1933 through 1982) there have been only seven confirmed sightings of whooping cranes anywhere in the designated critical habitat reach of the Platte River, and only five of those seven sightings were actually on the Platte River; and

WHEREAS, one of those seven sightings involved five whooping cranes that were physically hazed off a lagoon infected with fowl cholera 13 miles from the Platte River, to the Platte River; and

WHEREAS, the U.S. Fish and Wildlife Service report authored by Curt Johnson and Stan Temple states "We have no evidence that whooping cranes converge on the Platte River during both migrations...," and further, "that the Platte River between Gothenburg and 10 miles east of Grand Island may have had many sightings in years past, but have been altered to the extent that they are either marginal or unsuitable for roosting;" and

WHEREAS, proposed designations by the U.S. Fish and Wildlife Service in August, 1978, of critical habitat areas for the whooping crane included man-made dams and reservoirs, among them: Kirwin Reservoir in Kansas, Medicine Lake in Montana, Oahe Dam in South Dakota and Oahe Reservoir in South Dakota and North Dakota, and Garrison Dam and Lake Sakakawea in North Dakota; and

WHEREAS, the Fish and Wildlife Service proposal indicates that man-made reservoirs in irrigation and other multiple purpose water projects can and do provide desirable habitat for the whooping crane; and

WHEREAS, conclusive evidence should either be established for the need of the Platte River as crucial to the survival and preservation of the whooping crane, or critical habitat designation of the Platte River should be removed;

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the U.S. Department of Interior is urged to reevaluate the reasons for designation of a portion of the Platte River in Nebraska as a critical habitat area for the whooping crane; and
2. That the Interior Department is urged to evaluate the evidence presented in this resolution, and any and all other scientific evidence relative to the designation and maintenance of an area of the Platte River in Nebraska for critical habitat for the whooping crane; and
3. That if there is conclusive evidence to establish scientifically the absolute need for critical habitat designation of the Platte River to ensure the survivability of the whooping crane, such evidence and conclusions should be put forward for public information, understanding, and scrutiny; and
4. That if there is no conclusive evidence to prove the necessity of a critical habitat area designation in the Platte River for the future

survivability of the whooping crane, the Department of Interior is urged to remove such designation.

LEGISLATIVE RESOLUTION 207.

Introduced by Haberman, 44th District.

WHEREAS, the Merchant Marine Act of 1936 as amended by the Cargo Preference Act of 1954 requires that 50% of government-sponsored commodity shipments (PL480 cargoes) move in U.S. vessels; and

WHEREAS, such requirement has cost $337 million since fiscal year 1980; and

WHEREAS, had those shipments moved on the most competitive and cost efficient vessels available, the savings could have financed approximately 61 million bushels of additional wheat exports, an amount equal to 60% of Nebraska's annual wheat crop; and

WHEREAS, the increased cost of subsidizing the maritime industry came out of the pockets of Nebraska farmers and the state's economy as a result of reduced foreign demand, lower commodity prices and negative economic spinoffs to the state; and

WHEREAS, maritime subsidies amounted to $21,853 per maritime employee in 1981 and were more damaging to the U.S. agricultural economy than they were beneficial to other sectors; and

WHEREAS, the required use of U.S. vessels increases the freight cost of exporting U.S. agricultural commodities by as much as $2.12 per bushel over world freight rates, making U.S. commodities less competitive in world markets.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature of Nebraska opposes cargo preference laws that require 50% of all "concessional" export credit sales be carried on U.S. ships.
2. That the Legislature of Nebraska is concerned with the effectiveness of present governmental policies and programs relating to cargo preference.
3. That a copy of this resolution be sent to the President of the United States, the Secretary of Agriculture, the Secretary of Commerce, and the Nebraska Congressional Delegation.

LEGISLATIVE RESOLUTION 219.

Introduced by Goodrich, 20th District; Wesely, 26th District.

WHEREAS, LB 410, enacted by the Eighty-eighth Legislature, First

Session, creates a University Building Renovation and Land Acquisition Fund, into which funds will be deposited from proceeds of the cigarette tax each fiscal year 1984-85 through 1994-95; and

WHEREAS, such money is to be used for building repair, renovation, and land acquisition projects; and

WHEREAS, LB 410 authorizes the Board of Regents to make expenditures from this Fund for the renovation of Bessey Hall and Architectural Hall on the UNL Campus; and

WHEREAS, LB 410 also authorizes the Board of Regents to undertake similar renovation and land acquisition projects not specifically included among those listed in Section 4, with the specific approval of the Legislature; and

WHEREAS, there is an urgent need for a new climate control system for Morrill Hall on the UNL Campus for the preservation of the many museum exhibits included therein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the renovation of Morrill Hall on the UNL Campus, as may be designated by the Board of Regents, is hereby specifically approved as the next priority project on this campus.
2. That the interest accruing from the sale of the revenue bonds under LB 410 accredited to the UNL Campus is hereby authorized for expenditure by the Board of Regents for the Morrill Hall project.
3. That the interest accruing from the sale of the revenue bonds under LB 410 accredited to the UNO campus is hereby authorized for expenditure by the Board of Regents for the construction of access roads.

EXECUTIVE BOARD ANNOUNCEMENT

The following committee assignments and reassignments were made by the Executive Board during the course of the 1983 Interim due to resignations and subsequent appointments of three members.

Education - Harris
Public Works - Harris

Agriculture and Environment - McDonald
Business and Labor - McDonald
Public Health and Welfare - McDonald

Education - Scofield
Government, Military and Veterans Affairs - Scofield
Urban Affairs - Scofield

Administrative Rules and Regulations Review - Beyer

Nebraska Retirement Systems - DeCamp

Education Commission of the States - Goll

Banking, Commerce and Insurance - Higgins

Education - Newell

Telecommunications - Pirsch

Business and Labor - Wesely
Constitutional Revision and Recreation - Wesely
Nebraska Retirement Systems - Wesely (Chairperson)

ANNOUNCEMENT

Mr. Barrett announced the Business and Labor Committee elected Mr. Goll as Vice Chairperson.

REPORTS

The following communications have been received regarding the State take-over of Commonwealth Savings Company. They include a resolution as adopted by the Executive Board at its December 10, 1983 meeting, and an opinion from Special Assistant Attorney General David A. Domina pursuant to a request by Senator Harris. Also on file in the Clerk's Office is a report received from Mr. John Miller providing a historical perspective as to the Department of Banking's involvement in the regulation of Commonwealth Savings Company.

RESOLUTION OF THE EXECUTIVE BOARD OF THE NEBRASKA LEGISLATURE

WHEREAS, Commonwealth, an industrial loan and investment company, was determined to be insolvent by the Department of Banking and Finance on November 1, 1983; and

WHEREAS, the Nebraska Depository Institution Guaranty Corporation Act provided for a guarantee of the deposits of industrial loan and investment companies; and

WHEREAS, an examination should be made of:

(1) The responsibility for the insolvency of Commonwealth;

(2) The activities of the Department of Banking and Finance, its directors, employees, and agents in examining and monitoring the activities of Commonwealth and other regulated financial institutions,

their directors, employees, and agents;

(3) The responsibility for the failure of the Nebraska Depository Institution Guaranty Corporation to have adequate coverage to meet the needs of guaranteed deposits;

(4) Activities of the Department of Banking and Finance, its directors, employees, and agents in examining and monitoring the activities of the Nebraska Depository Institution Guaranty Corporation, its directors, employees, and agents;

(5) Activities of the Nebraska Depository Institution Guaranty Corporation, its directors, employees, and agents, in examining and monitoring the activities of Commonwealth and other member corporations, their directors, employees, and agents;

(6) Activities of the Attorney General and the office of the Attorney General in examining and monitoring the activities of Commonwealth, other regulated financial institutions, the Nebraska Depository Institution Guaranty Corporation, corporations which were members of the Nebraska Depository Institution Guaranty Corporation, and the directors, employees, and agents of each;

(7) Activities of the past and present Governor and their offices in examining and monitoring the activities of Commonwealth, other regulated financial institutions, the Nebraska Depository Institution Guaranty Corporation, member corporations, and the directors, employees, and agents of each;

(8) Involvement of all past and present public officeholders and public employees with respect to transactions between themselves and Commonwealth, its directors, employees, and agents and between themselves and enterprises controlled by the directors, employees, or agents of Commonwealth;

(9) Potential liability of the State of Nebraska, its employees, and agents for losses of depositors, members, and creditors of Commonwealth and the Nebraska Depository Institution Guaranty Corporation;

(10) The constitutionality, legality, and feasibility of possible legislative solutions for assistance to the depositors, members, and creditors of Commonwealth and the Nebraska Depository Institution Guaranty Corporation and consideration of all legislation designed to assist depositors, members, or creditors of Commonwealth;

(11) Recommendations of legislation to improve, where necessary, public institutions charged with oversight responsibilities for financial institutions in Nebraska;

(12) Consideration of all resolutions of impeachment relating to any officeholder involved in any of the foregoing matters or issues; and

(13) Such other and additional business as may come before the committee that touches upon any of the foregoing matters, persons, entities, or issues; and

WHEREAS, focusing all issues related to Commonwealth in a special committee will insulate the rest of the Legislature from constant encouragement by others to do something and will avoid duplication of effort; and

WHEREAS, by appointing several standing committee chairpersons to a special committee to address the numerous issues involved with Commonwealth's insolvency the Legislature can develop a cohesive and comprehensive response.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EXECUTIVE BOARD OF THE LEGISLATIVE COUNCIL:

1. That, pursuant to section 50-404, a special committee of the Legislature be established to investigate the matters enumerated in this resolution and any related matters.

2. That the following persons serve on such committee: Senators William Barrett, Emil Beyer, Calvin Carsten, Robert Clark, John DeCamp, Rex Haberman, Vard Johnson, Bernice Labedz, Shirley Marsh, Marge Higgins, William Nichol, Wiley Remmers, Loran Schmit, Donald Wagner, and Jerome Warner.

3. That Senator Vard Johnson be appointed chairperson of such committee.

4. That the special committee be vested with legislative power to issue subpoenas. This power shall commence upon establishment of the special committee and end upon the conclusion of the 1984 regular session. If the committee needs additional time for issuing subpoenas it shall return to the Executive Board of the Legislative Council for authorization. The committee shall follow Rule 3, section 19, of the Rules of the Nebraska Unicameral, regarding subpoena procedure.

5. That $50,000 be allocated to the special committee from Legislative Council appropriations to be used to retain special counsel and cover other necessary committee expenses.

6. That all bills and resolutions introduced during the next legislative session that pertain in any way to any of the issues enumerated in this resolution be referred to the special committee for consideration and public hearing, where necessary.

7. That a majority of the special committee shall constitute a quorum for all purposes. A member who fails to attend three consecutive or five total committee meetings shall no longer be deemed as a member of the special committee.

8. That a motion be made on the first day of the legislative session for amendment of the legislative rules to permit the special committee to introduce legislative bills and resolutions at any time during the session without requiring a floor vote to allow such introduction.

9. That an interim report of all activities and findings of the special committee be made on June 1, 1984.

10. That the special committee terminate on December 31, 1984, and

a final report be due upon termination of the committee.

COMMUNICATION FROM SPECIAL ASSISTANT ATTORNEY GENERAL

December 5, 1984

Re: Commonwealth Savings Co. Matters 13136

Dear Senator Harris:

On November 9, 1983 you directed two inquiries to Mr. Paul Douglas, Attorney General of Nebraska, concerning matters related to Commonwealth Savings Co. of Lincoln, and potential legislation to assist its depositors. Your correspondence has been referred to me, in my capacity as Special Assistant Attorney General, for response. In accordance with guidelines established by Mr. Douglas and myself in connection with the discharge of my duties, I must inform you that the opinions expressed in this correspondence are exclusively mine. This correspondence does not, in any manner, reflect the opinion of Mr. Paul Douglas, Attorney General, or any of his assistants.

Inquiries presented.

The two questions which you have posed are:

1. May the State of Nebraska, by legislative action, appropriate State funds to the Nebraska Depository Insurance Guaranty Corporation for the benefit of depositors of Commonwealth Savings Co., to enable the NDIGC to pay claims of Commonwealth Savings Co. depositors in amounts which do not exceed $30,000.00 per account?
2. Does the Nebraska Constitution prohibit the Legislature from approving miscellaneous claims presented against the State from Commonwealth Savings Co. depositors, which claims assert liability against the State of Nebraska by reason of estoppel or any other legal theory which asserts that depositors of Commonwealth Savings Co. have detrimentally relied upon the ostensible assurance that their deposits were insured to $30,000.00?

My responses follow.

I. By virtue of Neb. Const. Art. XIII, Sec. 3, the Nebraska Legislature may not extend the Credit of the State in aid of any individual, association or corporation, including depositors of Commonwealth Savings Co., or the NDIGC.

Certain fundamental constitutional principals must be observed in any review of the bounds of legislative authority to control the treasury of Nebraska. Succinctly:

> "The first principal is the Legislature has plenary legislative authority limited only by the State and Federal Constitutions.

Swanson v. State, 132 Neb. 82, 271 N.W. 264, (1937); Dwyer V. Omaha-Douglas Public Building Commission, 188 Neb. 30, 195 N.W. 2d 236 (1972); Orleans Education Assn. v. School Dist. of Orleans, 193 Neb. 675, 229 N.W. 2d 172 (1975). The Nebraska Constitution is not a grant but, rather, a restriction on legislative power, and the Legislature may legislate on any subject not inhibited by the Constitution. State ex rel. Meyer v. County of Lancaster, 173 Neb. 195, 113 N.W. 2d 63 (1962). The state Constitution is not a grant but a restriction of legislative power. Consequently, courts can enforce only those limitations which the Constitution imposes. United Community Services v. The Omaha Nat. Bank, 162 Neb. 786, 77 N.W. 2d 576 (1956). Unless restricted by some provision of the state or federal Constitution, the Legislature may enact laws and appropriate funds for the accomplishment of any public purpose. It is for the Legislature to decide in the first instance what is and what is not a public purpose, but its determination is not conclusive on the courts. However, to justify a court in declaring a statute invalid because its object is not a public purpose, the absence of public purpose must be so clear and palpable as to be immediately perceptible to the reasonable mind." Lestrom v. Thone, 209 Neb. 783 at 789, 311 N.W. 2d 884 (1981).

With respect to the first of the questions noted above, the relationship of Neb. Const. Art. XIII, Sec. 3 to the plenary authority of the Legislature to control the general funds of Nebraska must be inspected. Neb. Const. Art. XIII, Sec. 3 provides:

> "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long term, low interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature. (Amended, 1968.)"

In recent years, substantial litigation has developed concerning the foregoing constitutional provision. In United Community Services v. Omaha National Bank, 162 Neb. 787, 77 N.W. 2d 576 (1956), the Supreme Court was required to resolve litigation brought to determine whether the Omaha Public Power District had legal authority to make pledges to United Community Services, a non-profit charitable organization without capital stock. In passing upon the issue before the Court in 1956, Judge Wenke wrote:

> "In State ex rel. Haberlan v. Love, 89 Neb. 149, 131 N.W. 196, 34 L.R.A.N.S. 607, Ann. Cas. 1912C 542, we said of this section: 'Sec. 3, Art. XII (now XIII) of the Constitution, was intended to prevent the State from extending its credit to private enterprises.'
>
> Also in Oxnard Beet Sugar Co. v. State, n rehearing, 73 Neb. 66, 105

> N.W. 716, we said: 'The Legislature cannot appropriate the public moneys of the State to encourage private enterprises.' " 162 Neb. at 799-800.

Clearly, the constitional mandate of Neb. Const. Art. XIII, Sec. 3 is to prevent the Legislature from appropriating public moneys of the State to encourage private enterprises, or serve purely private purposes. As the Supreme Court stated in Oxnard Beet Sugar Co. v. State, 73 Neb. 66, 105 N.W. 716 (1905), a case in which the Court held that an act providing a state bounty for the manufacture of sugar and chicory was unconstitutional:

> "The Legislature cannot appropriate the public moneys of the State to encourage private enterprises. The manufacturing of sugar and chicory is a private enterprise and the public money or credit cannot be given or loaned in aid of any individual, association, or corporation carrying on such enterprises." 105 N.W. at 717.

Based on the foregoing authorities, it is clear that the appropriation under consideration to NDGIC may be made only if it is for a "public" purpose. However, any appropriation made exclusively for the benefit of Commonwealth Savings Co. depositors is impermissible if, as a result, a "private" purpose is served. What, then, constitutes a "public" or "private" purpose?

InChase v. County of Douglas, 195 Neb. 838, 241 N.W. 2d 334 (1976), a taxpayer of the City of Omaha challenged the constitutionality of Neb. Rev.Stat. Sec. 18-1401 which authorized City Councils to appropriate "an amount to exceed 1% of the assessed valuation of the city. . . for the purpose of encouraging immigration, new industries and investment, and to conduct and carry on a publicity campaign". The Plaintiff attacked the statute as permitting the expenditure of funds for "private purposes". The Supreme Court rejected the taxpayer's contention and held:

> "The first proposition is that it is for the Legislature to decide in the first instance what is and what is not a public purpose, but its determination is not conclusive on the courts. However, to justify a court in declaring a tax invalid because it is not for a public purpose, the absence of a public purpose must be so clear and palpable as to be immediately perceptible to the reasonable mind. State ex rel. v. Cornell, 53 Neb. 556, 74 N.W. 59. The second proposition is that the general encouragement of growth and industry through such devices as publicity and advertising are public purposes." Id. at 195 Neb. 845-846.

Accord, Lenstrom v. Thone, 209 Neb. 783, 311 N.W. 2d 884 (1981); Prendergast v. Nelson, 199 Neb. 97, 256 N.W. 2d 657 (1977) (holding that the Nebraska Hospital-Medical Liability Act, Neb. Rev. Stat. Sec. 44-2801 et seq. is constitutional.) See also, State ex rel. Meyer v. Duxbury, 183 Neb. 302, 160 N.W. 2d 88 (1968).

The appropriation hypothesized in your inquiry would be to the Nebraska Depository Institution Guaranty Corporation, a corporation created pursuant to Neb. Rev. Stat. Sec. 21-17, 127 et seq., as amended. The NDIGC is, by virtue of the nature of its statutory existence, a private corporation formed, controlled and operated for the benefit of its member institutions. The NDIGC is, of course, a special type of corporation, in that its assessments of members are regulated by statute, and its operating rules, procedures and activities are subject to regulation by the Department of Banking and Finance. Neb. Rev. Stat. Sec. 21-17, 132 et seq., as amended. However, in its ultimate essential character, the NDIGC is a private corporation, operated and funded for private purposes, with optional membership.

The hypothesized appropriation to which reference is made in the first section of your letter of November 9, 1983 suggests a legislative appropriation to NDIGC for the exclusive benefit of Commonwealth Savings Co. ("CSC") depositors who relied upon the NDIGC guarantee of $30,000.00 per account. If the appropriation contemplated is made, the singular beneficiaries of the appropriation will be the depositors of CSC who have lost funds up to the $30,000.00 level. There would appear to be no direct or incidental "public" purpose or benefit in any such appropriation.

The appropriation contemplated appears to be decidedly different from the expenditure of public funds for the purpose of attracting industry, creating jobs, encouraging economic growth, welfare and prosperity. This appropriation would appear to have, as its purpose, reimbursement of funds lost in a business venture by CSC depositors who relied upon two private enterprises, CSC and NDIGC, to protect their deposits against loss.

Arguments suggesting ostensible "public" purposes of such an appropriation can certainly be made. However, in the language of the Nebraska Supreme Court in Chase v. Douglas County, supra, it is my opinion that the private purpose and character of the contemplated appropriation is so "clear and palpable as to be immediately perceptible to the reasonable mind". Accordingly, it is my opinion that the appropriation under consideration cannot be made by the Nebraska Legislature without contravening the mandate of Neb. Const. Art. XIII, Sec. 3.

II. The Nebraska Legislature may not approve "Miscellaneous Claims" filed against the State on an estoppel legal theory by CSC depositors who claim to have relied, to their detriment, upon the State of Nebraska for insurance of their accounts to the extent of $30,000.00.

There are two general categories of claims which may be filed against the State, i.e. tort claims and miscellaneous claims. The allowance or disallowance of tort claims is governed by a specific statutory procedure. See, Neb. Rev. Stat.Sec. 81-8, 209 et seq. as amended.

Miscellaneous claims, on the other hand, may be allowed by legislative action. In allowing a miscellaneous claim, the Legislature may not contravene the mandate of Neb. Const. Art. XIII, Sec. 3; any expenditure made to pay a claim must have a "public" purpose.

For the reasons delineated in Part I of this correspondence, it is my opinion that any allowance of miscellaneous claims for the purpose of paying CSC depositors would be for a private purpose, in contravention of Neb. Const. Art. XIII, Sec. 3. Unfortunately for the CSC depositors, the State of Nebraska has not actually guaranteed the deposits of any depository institution in this state. Indeed, legislation which would do so might, itself, contravene the constitutional mandate in question.

Rather, the NDIG Act (Neb. Rev. Stat. 21-17, 127 et seq., as amended) merely authorized the formation of a corporation by member institutions and created a mechanism for accumulating reserves to be held and administered by the corporation as an insurance fund. The reserves so accumulated are inadequate to cover all potential losses; member institutions may have been permitted nonetheless (if they chose to do so) to project the image of fully insured deposits to the extent of $30,000.00 each.

Nonetheless, assuming that a miscellaneous claim could be appropriately filed by a CSC depositor asserting estoppel theory, it is my opinion that the appropriation of funds for the purpose of allowing the claim would be for a "private" purpose exclusively, and would contravene Neb. Const. Art. XIII, Sec. 3.

(Signed) David A. Domina
Special Assistant Attorney General

DAD:bb
N4F13136
Dictated: 11-26-83
Transcribed: 12-5-83

MOTION - Committee Chairperson

Mr. DeCamp moved to proceed to the election of the Chairperson of Administrative Rules and Regulations Review Committee.

The motion prevailed.

Mr. Fenger nominated Mr. Beyer.

Mr. Warner nominated Mr. Abboud.

Mr. DeCamp moved the nominations be closed.

The motion prevailed.

The Chair appointed Ms. Scofield, Messrs. Harris, and McDonald as tellers.

Abboud	20
Beyer	25
	45

Mr. Beyer was duly elected Chairperson of Administrative Rules and Regulations Review Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 633. By Executive Board: V. Johnson, Chairperson, 8th District.

A BILL FOR AN ACT relating to law; to provide for the construction of certain statutes; and to provide powers for the Revisor of Statutes relating to the printing of certain statutes.

LEGISLATIVE BILL 634. By Executive Board: V. Johnson, Chairperson, 8th District.

A BILL FOR AN ACT relating to schools; to amend section 79-12,105, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to certain teachers' contracts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 635. By Executive Board: V. Johnson, Chairperson, 8th District.

A BILL FOR AN ACT relating to public transportation; to amend section 19-3907, Reissue Revised Statutes of Nebraska, 1943; to provide a duty for the Director on Aging; and to repeal the original section.

LEGISLATIVE BILL 636. By Executive Board: V. Johnson, Chairperson, 8th District.

A BILL FOR AN ACT relating to motor vehicles; to eliminate a statute which is obsolete; and to repeal section 60-406.07, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 637. By Executive Board: V. Johnson, Chairperson, 8th District.

A BILL FOR AN ACT relating to the Legislature; to eliminate obsolete statutes which provided certain duties for the Legislative Fiscal Analyst; and to repeal sections 50-430 to 50-436, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 638. By Executive Board: V. Johnson, Chairperson, 8th District.

A BILL FOR AN ACT relating to infants; to eliminate an obsolete statute which governed a transfer of funds to the Nebraska Center for Children and Youth; and to repeal section 43-911, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 639. By Executive Board: V. Johnson, Chairperson, 8th District.

A BILL FOR AN ACT relating to criminal procedure; to eliminate an obsolete statute which governed probation officers salaries; and to repeal section 29-2255.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 640. By Executive Board: V. Johnson, Chairperson, 8th District.

A BILL FOR AN ACT relating to judicial districts; to eliminate certain statutes which are obsolete; and to repeal sections 5-105.01 and 5-105.03 to 5-105.05, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 641. By Executive Board: V. Johnson, Chairperson, 8th District.

A BILL FOR AN ACT relating to the State Board of Agriculture; to eliminate revenue bond statutes which are obsolete; and to repeal sections 2-111 to 2-114, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 642. By Executive Board: V. Johnson, Chairperson, 8th District.

A BILL FOR AN ACT relating to education; to eliminate certain nonresident high school tuition statutes which are obsolete; and to repeal sections 79-437.01 and 79-437.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 643. By Goodrich, 20th District.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1983; to revise the powers of credit unions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 644. By Goodrich, 20th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-2911 and 79-2914, Reissue Revised Statutes of Nebraska, 1943; to increase the membership of the Nebraska Educational Facilities Authority; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 645. By Harris, 27th District.

A BILL FOR AN ACT relating to educational telecommunications; to amend sections 79-2101 to 79-2107 and 79-2109 to 79-2115, Reissue Revised Statutes of Nebraska, 1943; to expand the scope of educational programming; to define terms; to rename an act; to provide rules and regulations; and to repeal the original sections.

LEGISLATIVE BILL 646. By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Supplement, 1983; to change the distribution of the revenue from the cigarette tax as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 647. By Haberman, 44th District.

A BILL FOR AN ACT relating to elections; to amend sections 2-3214, 32-503.01, and 32-512, Reissue Revised Statutes of Nebraska, 1943, and section 32-402.01, Revised Statutes Supplement, 1982; to change provisions relating to the board of directors of natural resources districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 648. By Withem, 14th District.

A BILL FOR AN ACT relating to dog licensing; to amend section 54-614, Reissue Revised Statutes of Nebraska, 1943; to allow certain counties to establish a license tax as prescribed; and to repeal the original section.

LEGISLATIVE BILL 649. By Withem, 14th District.

A BILL FOR AN ACT relating to motor vehicle fuels; to amend sections 66-410, 66-428, 66-474, 66-477, 66-478, and 66-605.03, Reissue Revised Statutes of Nebraska, 1943; to eliminate a motor fuel tax exemption for certain fuels; to change certain tax rates; to provide an operative date; and to repeal the original sections, and also sections 66-471 and 66-472, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 650. By Withem, 14th District.

A BILL FOR AN ACT relating to juries; to amend sections 25-1628 and 25-1637, Reissue Revised Statutes of Nebraska, 1943; to change the method of selecting jury lists; and to repeal the original sections.

LEGISLATIVE BILL 651. By Withem, 14th District.

A BILL FOR AN ACT relating to insurance; to provide a basis for computing premiums for workmen's compensation insurance; and to provide an operative date.

LEGISLATIVE BILL 652. By Withem, 14th District.

A BILL FOR AN ACT relating to the Nebraska Industrial Development Corporation Act; to amend sections 21-2301 and 21-2302, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to provide intent; to allow more entities to participate as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 653. By Warner, 25th District.

A BILL FOR AN ACT relating to state employees' retirement; to require approval by the Public Employees Retirement Board prior to any change in the type of investment of certain funds; and to declare an emergency.

LEGISLATIVE BILL 654. By Haberman, 44th District.

A BILL FOR AN ACT relating to public power districts; to provide that certain public power districts pay a tax.

LEGISLATIVE BILL 655. By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Supplement, 1983; to change the distribution of the revenue from the cigarette tax as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 656. By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Supplement, 1983; to change the distribution of the revenue from the cigarette tax as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 657. By Sieck, 24th District.

A BILL FOR AN ACT relating to child support; to provide for the collection of child support from the estate of the judgment debtor.

LEGISLATIVE BILL 658. By Sieck, 24th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.14, Revised Statutes Supplement, 1983; to provide for certain license plates for visually and physically handicapped people as prescribed; and to repeal the original section.

LEGISLATIVE BILL 659. By Sieck, 24th District.

A BILL FOR AN ACT relating to county government; to amend section 23-148, Revised Statutes Supplement, 1982; to provide that all counties with two hundred thousand inhabitants or less may choose county commissioners as provided; and to repeal the original section.

LEGISLATIVE BILL 660. By Marsh, 29th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1315 and 77-1502, Reissue Revised Statutes of Nebraska, 1943; to provide for publication of certain assessments; to change provisions relating to protests of certain assessments; and to repeal the original sections.

LEGISLATIVE BILL 661. By Withem, 14th District.

A BILL FOR AN ACT relating to county government; to provide for a system of personnel administration in certain counties; to define terms; to establish a personnel policy board; to provide powers and duties; to provide for rules and regulations; to provide for reciprocal agreements; to provide for tenure; to prohibit certain acts; and to provide a penalty.

LEGISLATIVE BILL 662. By Clark, 47th District.

A BILL FOR AN ACT relating to weed eradication and control; to amend section 2-954, Revised Statutes Supplement, 1982; to provide duties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 663. By Executive Board: V. Johnson, 8th District, Chairperson; Barrett, 39th District; Carsten, 2nd District; Labedz, 5th District; Nichol, 48th District.

A BILL FOR AN ACT relating to the state; to amend section 84-306.01, Reissue Revised Statutes of Nebraska, 1943; to provide intent relating to the furnishing of beverages to legislative employees and guests; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 664. By V. Johnson, 8th District; Warner, 25th District; Carsten, 2nd District.

A BILL FOR AN ACT relating to the Legislative Fiscal Analyst; to amend section 50-419, Reissue Revised Statutes of Nebraska, 1943; to provide additional duties as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 665. By H. Peterson, 35th District.

A BILL FOR AN ACT relating to school districts; to amend sections 21-1903 and 79-4,154, Reissue Revised Statutes of Nebraska, 1943; to prohibit school districts from performing certain activities; and to repeal the original sections.

LEGISLATIVE BILL 666. By H. Peterson, 35th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-223.01, 71-327, and 71-333, Reissue Revised Statutes of Nebraska, 1943, and sections 71-211, 71-216, and 71-219, Revised Statutes Supplement, 1983; to allow barbers and cosmetologists to practice in certain customers' residences; to provide fees; to provide additional duties for the Department of Health; and to repeal the original sections.

LEGISLATIVE BILL 667. By H. Peterson, 35th District.

A BILL FOR AN ACT relating to the cost of incarceration; to require the cost of incarceration to be paid by prisoners as prescribed.

LEGISLATIVE BILL 668. By H. Peterson, 35th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1229, 79-1233, and 79-1705, Reissue Revised Statutes of Nebraska, 1943; to change the powers and duties of local school boards; to change provisions relating to administrators and teachers; to change provisions relating to private schools; and to repeal the original sections.

LEGISLATIVE BILL 669. By Goodrich, 20th District.

A BILL FOR AN ACT relating to industrial loan and investment companies; to amend section 8-403, Revised Statutes Supplement, 1982; to prohibit the organization of industrial loan and investment companies as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 670. By Kahle, 37th District.

A BILL FOR AN ACT relating to the Department of Environmental Control; to amend section 81-1553, Reissue Revised Statutes of Nebraska, 1943; to provide a deadline for an annual progress report; and to repeal the original section.

LEGISLATIVE BILL 671. By Kahle, 37th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to counties; to amend section 23-153, Reissue Revised Statutes of Nebraska, 1943; to allow mileage reimbursement for county board members; and to repeal the original section.

LEGISLATIVE BILL 672. By Lamb, 43rd District.

A BILL FOR AN ACT relating to water resources; to amend section 46-234, Revised Statutes Supplement, 1982; to provide an additional basis for refusal of an application to appropriate water; and to repeal the original section.

LEGISLATIVE BILL 673. By Lamb, 43rd District.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend section 81-1403, Reissue Revised Statutes of Nebraska, 1943; to provide a duty; and to repeal the original section.

LEGISLATIVE BILL 674. By Lamb, 43rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1918, Reissue Revised Statutes of Nebraska, 1943; to change the timing of duties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 675. By Fenger, 45th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-109, Reissue Revised Statutes of Nebraska, 1943; to limit the taxing power of the city council as prescribed; and to repeal the original section.

LEGISLATIVE BILL 676. By Fenger, 45th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-604, 71-605, 71-606, and 71-611, Reissue Revised Statutes of Nebraska, 1943, and section 71-612, Revised Statutes Supplement, 1983; to change provisions relating to birth certificates, death certificates, transit permits, and disinterment permits; to provide for cremation permits; to modify duties of the Department of Health; to provide an exemption from filing requirements; to authorize a petty cash fund; to adopt the Delayed Birth Registration Act; to eliminate provisions relating to local registrars; to repeal the Delayed Birth Registration Law; to provide operative dates; and to repeal the original sections, and also sections 71-602, 71-603, 71-605.03, 71-608, 71-617 to 71-622, 71-624, and 71-625, Reissue Revised Statutes of Nebraska, 1943, and section 71-623, Revised Statutes Supplement, 1983.

LEGISLATIVE BILL 677. By Warner, 25th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-698, Reissue Revised Statutes of Nebraska, 1943; to change powers of the Department of Roads relating to traffic-control devices; and to repeal the original section.

LEGISLATIVE BILL 678. By Warner, 25th District.

A BILL FOR AN ACT relating to eminent domain; to amend section 76-719.01, Reissue Revised Statutes of Nebraska, 1943; to provide for the deposit of certain funds in a depository designated by the condemner; and to repeal the original section.

LEGISLATIVE BILL 679. By Warner, 25th District.

A BILL FOR AN ACT relating to registers of deeds; to amend sections 2-3272, 23-1503, 23-1508, 23-1510 to 23-1513, 23-1516, 25-529, 33-131, 76-214, 76-254, 76-257, 76-275, 76-1004, 76-1006, and 76-1008, Reissue Revised Statutes of Nebraska, 1943, and section 23-1506, Revised Statutes Supplement, 1983; to allow certain registers of deeds to use a computerized system as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 680. By Remmers, 1st District; Morehead, 30th

District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-215.03, Revised Statutes Supplement, 1983; to change provisions relating to issuance of limited hunting permits; and to repeal the original section.

LEGISLATIVE BILL 681. By Clark, 47th District.

A BILL FOR AN ACT relating to interest rates and loans; to amend section 45-145, Reissue Revised Statutes of Nebraska, 1943, and sections 45-137 and 45-138, Revised Statutes Supplement, 1982; to modify allowable interest charges as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 682. By Landis, 46th District.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 16-325, 17-108.02, and 17-209.02, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3216.01 to 2-3216.04, 18-301.01 to 18-301.04, 23-180 to 23-183, and 79-4,208 to 79-4,211, Revised Statutes Supplement, 1983; to prohibit certain contracts involving certain officers as prescribed; to redefine terms; to provide for the disclosure of certain information; to provide exceptions; to change penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 683. By Landis, 46th District.

A BILL FOR AN ACT relating to county buildings; to amend section 23-120, Revised Statutes Supplement, 1982; to change the limitations on allowable appropriations as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 684. By DeCamp, 40th District.

A BILL FOR AN ACT relating to corrections; to amend sections 29-2262, 83-182, 83-183, 83-183.01, 83-184, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, and section 29-2219, Revised Statutes Supplement, 1982; to provide for restitution to victims of crime; to define a term; to authorize an additional condition of probation; to state intent; to change provisions relating to the employment of confined persons; to provide powers and duties; to provide for reduction of sentences; to harmonize provisions; and to repeal the original sections, and also sections 81-1826, 81-1827, and 81-1829, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 685. By DeCamp, 40th District.

A BILL FOR AN ACT relating to child support; to provide for court-appointed counsel in certain situations.

LEGISLATIVE BILL 686. By DeCamp, 40th District.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-2402, 18-2435, and 18-2438, Revised Statutes Supplement, 1982; to clarify intent; to change expense provisions; to provide for a certain committee; and to repeal the original sections.

LEGISLATIVE BILL 687. By DeCamp, 40th District.

A BILL FOR AN ACT relating to emergencies; to amend section 25-1152, Reissue Revised Statutes of Nebraska, 1943; to provide for the rendering of emergency assistance as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 688. By DeCamp, 40th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-411.01, Reissue Revised Statutes of Nebraska, 1943; to change requirements for the renewal of certain operators' licenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 689. By DeCamp, 40th District.

A BILL FOR AN ACT relating to certificated employees of schools; to amend sections 79-12,107, 79-12,109 to 79-12,112, 79-12,114, 79-12,116 to 79-12,118, and 79-12,120, Revised Statutes Supplement, 1982; to change certain provisions relating to probationary and permanent employees and hearings and contract rights; and to repeal the original sections, and also sections 79-12,108, 79-12,113, and 79-12,115, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 690. By DeCamp, 40th District.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-129.01, Reissue Revised Statutes of Nebraska, 1943; to change liability for certain guests; and to repeal the original section.

LEGISLATIVE BILL 691. By DeCamp, 40th District.

A BILL FOR AN ACT relating to interest rates; to amend section 45-104.01, Revised Statutes Supplement, 1982; to change a rate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 692. By DeCamp, 40th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to hospital-medical liability; to amend sections 44-2802, 44-2825, 44-2830, 44-2841, and 44-2855, Reissue Revised Statutes of Nebraska, 1943; to change certain monetary limitations; to provide for rules and regulations; to change qualification provisions; and to repeal the original sections.

LEGISLATIVE BILL 693. By DeCamp, 40th District.

A BILL FOR AN ACT relating to business trusts; to amend sections 8-1101 and 33-101, Revised Statutes Supplement, 1982; to adopt the Business Trust Act; to redefine terms; to provide for service of process; to set fees; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 694. By Labedz, 5th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-411.01, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the renewal of motor vehicle operators' licenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 695. By Labedz, 5th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-326 to 28-332 and section 28-343, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to abortion; to eliminate informed consent; to change penalties; to harmonize provisions; to repeal the original sections, and also sections 28-333 and 28-334, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 696. By Beutler, 28th District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to the husband-wife privilege; to amend section 27-505, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change provisions relating to testimony against one's spouse in a criminal case; and to repeal the original section.

LEGISLATIVE BILL 697. By Higgins, 9th District.

A BILL FOR AN ACT relating to motor vehicle operator's licenses; to amend section 60-420, Reissue Revised Statutes of Nebraska, 1943; to change appeal procedures as prescribed; and to repeal the original section.

LEGISLATIVE BILL 698. By DeCamp, 40th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,102, Revised Statutes Supplement, 1982; to provide a formula to calculate the nonresident high school tuition rate; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 699. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the State Electrical Division; to require identification of certain vehicles; and to provide a penalty.

LEGISLATIVE BILL 700. By Kilgarin, 7th District; Labedz, 5th District; Sieck, 24th District; Wesely, 26th District; Schmit, 23rd District; Scofield, 49th District; Landis, 46th District; Vickers, 38th District; Higgins, 9th District; Pappas, 42nd District; Warner, 25th District; Morehead, 30th District; R. Johnson, 34th District; Marsh, 29th District; Barrett, 39th District; DeCamp, 40th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to state employees; to provide intent; to define terms; to establish the Pay Equity Commission; to provide duties; to provide a termination date; and to provide severability.

LEGISLATIVE BILL 701. By Labedz, 5th District.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1208.01 and 2-1208.02, Revised Statutes Supplement, 1982; to change provisions relating to the distribution of revenue from the tax on parimutuel wagering; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 702. By Chambers, 11th District.

A BILL FOR AN ACT relating to the sale of motor vehicle fuels; to require payment prior to delivery of such fuel in certain cases; and to provide a burden of proof.

LEGISLATIVE BILL 703. By Chambers, 11th District.

A BILL FOR AN ACT relating to fees; to amend section 33-139.01, Reissue Revised Statutes of Nebraska, 1943; to prohibit the receipt of witness and other fees by certain employees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 704. By Kilgarin, 7th District.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend sections 25-213, 44-2801, 44-2802, 44-2814, 44-2817, 44-2819, 44-2820, 44-2822, 44-2823, 44-2826, 44-2828, 44-2834 to 44-2836, 44-2848, 44-2854, and 44-2855, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to remove a credit against judgment; to remove joinder provisions; to clarify which provisions apply to certain suits; to change limitation of actions provisions; to change provisions relating to attorney's fees; to provide requirements for certain malpractice insurance policies; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 44-2812, 44-2815, 44-2818, 44-2821, 44-2824, 44-2825, 44-2827, 44-2829 to 44-2833, and 44-2837 to 44-2847, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 705. By Pappas, 42nd District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1620 and 44-1627, Revised Statutes Supplement, 1982; to provide an insurance option to state employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 706. By Pappas, 42nd District.

A BILL FOR AN ACT relating to parimutuel wagering; to amend section 2-1208.01, Revised Statutes Supplement, 1982; to change provisions relating to the rate, collection, and deposit of a tax as prescribed; and to repeal the original section.

LEGISLATIVE BILL 707. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to fire companies and firefighters; to amend section 35-508, Revised Statutes Supplement, 1982; to broaden the powers of rural and suburban fire protection districts; and to repeal the original section.

LEGISLATIVE BILL 708. By DeCamp, 40th District.

A BILL FOR AN ACT relating to health care; to provide legislative findings; to authorize establishment of demonstration physician case management programs; to provide powers and duties for certain agencies and officers; to provide criteria for plan approval; and to provide for termination.

LEGISLATIVE BILL 709. By DeCamp, 40th District.

A BILL FOR AN ACT relating to revenue and taxation; to provide intent; to define terms; to provide a formula for property tax relief; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 710. By Rupp, 22nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-407, Revised Statutes Supplement, 1982; to change requirements for certain permits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 711. By Nichol, 48th District.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 60-412, Revised Statutes Supplement, 1983; to provide additional information on certain motor vehicle operators' licenses; and to repeal the original section, and also section 60-406.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 712. By Nichol, 48th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1983; to add exemptions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 713. By DeCamp, 40th District.

A BILL FOR AN ACT relating to liquor; to amend sections 53-168.01, 53-168.02, and 53-168.04, Reissue Revised Statutes of Nebraska, 1943, and section 53-103, Revised Statutes Supplement, 1983; to define and redefine terms; to state intent; to change provisions relating to price schedules and price changes for beer and other alcoholic liquor; to provide powers and duties; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

MR. KAHLE PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 220.

Introduced by: Abboud, 12th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; DeCamp, 40th District; Eret, 32nd District; Fenger, 45th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hannibal, 4th District; Harris, 27th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Kahle, 37th District; Kilgarin, 7th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Marsh, 29th District; McDonald 31st District; Morehead, 30th District; Newell, 13th District; Nichol, 48th District; Pappas, 42nd District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, the Legislature wishes to recognize the dedication and service to the State of Nebraska by Ray Wilson; and

WHEREAS, Ray Wilson was appointed by the Legislature to the position of Sergeant at Arms in 1965, and has served as such an officer for an unbroken nineteen years until his decision to retire in 1984; and

WHEREAS, he was named the Chief Sergeant at Arms and has served in that capacity until 1984, faithfully executing legislative commands and enforcing legislative rules; and

WHEREAS, Ray Wilson has always conducted himself in a dignified and responsible fashion; and

WHEREAS, the members of the Legislature shall miss him and wish to thank him for his unfailing courteousness.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the dedicated service and achievements of Ray Wilson.
2. The members of the Legislature thank him for being our friend.
3. That the Legislature wishes health and happiness to the Chief Sergeant at Arms, Ray Wilson, and his wife Letha during his retirement.
4. That the Legislature present a copy of this resolution to the Chief Sergeant at Arms, Ray Wilson, with the best wishes of the Legislature.

LEGISLATIVE RESOLUTION 221.

Introduced by DeCamp, 40th District; H. Peterson, 35th District.

The Legislature hereby finds and declares as follows:

1. That stability and predictability of reasonable tax rates is one of the most important things Nebraska citizens seek from their government;

2. That this stability and predictability can be effectively achieved if all participants in the governmental process are advised in advance of the intent and goals for the Legislature with respect to budgets of the State and tax rate parameters within which the Legislature intends to function;

3. That direct rebate or refund of sales and income tax monies to property taxpayers is a form of decreasing overall tax rates and tax expenditures;

4. That economies in state government resulting from elimination of unnecessary programs, development of higher productivity in all programs of government, utilization of business practices and methods and elimination of duplication can and should be accomplished which will result and can result in a budget for the State of Nebraska which should not exceed $750 million for the year 1984-85 versus the previous budget of $746 million;

THEREFORE, recognizing the above general principals, the Legislature hereby finds, declares and resolves as follows:

1. That it shall be the policy of the individuals voting and supporting this resolution to prevent any increase in tax rates from the existing rates for the next fiscal year;

2. That it shall be a policy of the individuals voting for this resolution to accomplish a decrease in tax rates and tax expenditures through non support of budgets which exceed recommendations contained herein or for budget proposals which would result in any tax rate increase;

3. That for purpose of this policy of tax rate decrease it shall be deemed and viewed as a tax rate decrease and a tax expenditure decrease for any amounts now being collected from the taxpayers by any form of taxation which are then directly reimbursed to the taxpayers;

4. That tax rates in the general area of approximately three percent maximum for sales tax versus the present four percent, which is a twenty-five percent reduction in sales tax, and an income tax rate in the general area of approximately sixteen percent versus the current twenty percent, which is a twenty percent reduction in income tax rates, are achieveable and reasonable goals for this Legislature to work for based on a $750 million budget and projected revenues now resulting from the economic recovery that is occurring and are the goals of those supporting this resolution.

Laid over.

LEGISLATIVE RESOLUTION 222.

Introduced by: Abboud, 12th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; DeCamp, 40th District; Eret, 32nd District; Fenger, 45th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Harris, 27th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Kahle, 37th District; Kilgarin, 7th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Marsh, 29th District; McDonald 31st District; Morehead, 30th District; Newell, 13th District; Nichol, 48th District; Pappas, 42nd District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Withem, 14th District.

WHEREAS, in any endeavor our goal should be the pursuit of excellence; and

WHEREAS, the 1983 University of Nebraska-Lincoln football team achieved excellence with an undefeated regular season, the Big Eight Conference Championship, and numerous individual and team records and honors; and

WHEREAS, the 1983 Cornhuskers gave their best throughout the season providing proud Nebraskans with many thrilling memories of an outstanding football team.

NOW, THEREFORE, BE IT RESOLVED THAT THE MEMBERS OF THE 88th LEGISLATURE OF NEBRASKA, 2nd SESSION:

1. Commend Coach Tom Osborne and all the members of his coaching staff for a job well done.
2. Congratulate the members of the 1983 University of Nebraska-Lincoln football team for their excellent play all season long.

Mr. Nichol moved to suspend the rules, Rule 4, Section 6 to permit consideration of LR 222 today.

The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

LR 222 was adopted with 44 ayes, 0 nays, and 5 not voting.

RECESS

At 12:00 a.m., on a motion by Mr. Lundy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Chambers, Hoagland, Kahle, Newell, Vickers, Wagner, and Mesdames Labedz and Pirsch.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Peterson asked unanimous consent to print the following amendment to LB 226 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 226

AM1580

1. Insert the following new section:

"Sec. 3. The Department of Public Institutions may convey to the city of Grand Island, Hall County, the following described real estate:

A tract of land located in part of the south half of fractional section 6, township 11 north, range 9 west of the 6th principal meridian, in the city of Grand Island, Hall County, Nebraska:

Beginning at the junction of the east line of Webb Road and the north line of Capital Avenue, such point also being thirty-three feet north of and thirty-three feet east of the west line of fractional section 6, township 11 north, range 9 west of the 6th principal meridian; thence proceeding in a northerly direction along the east line of Webb Road for a distance of twenty-five feet; thence deflecting right in a southeasterly direction to a point sixteen feet north of the north line of Capital Avenue, the prolongation of which would intersect a point on the north line of Capital Avenue, being nineteen feet east of the east line of Webb Road; thence deflecting left in an easterly direction for a distance of seven feet; thence deflecting right in a southerly direction for a distance of nine feet; thence deflecting left in a southeasterly direction to a point along the north line of Capital Avenue lying nineteen feet east of the point of beginning; thence deflecting right along the north line of Capital Avenue for a distance of nineteen feet to the point of beginning.".

2. On page 3, line 5, strike "section 1" and insert "sections 1 and 3".

3. Renumber original sections 3 and 4 as sections 4 and 5 respectively.

ANNOUNCEMENT

Mr. Vickers announced the Education Committee elected Mr. Hoagland as Vice Chairperson.

Mr. Wesely announced the Nebraska Retirement Systems Committee elected Mr. Warner as Vice Chairperson.

Mr. Haberman announced the Agriculture and Environment Committee will hold an Executive Session on Thursday, January 5, 1984, 15 minutes after adjournment, in Room 1520.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 714. By DeCamp, 40th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-170.03, Reissue Revised Statutes of Nebraska, 1943; to change the duties of certain manufacturers and importers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 715. By McDonald, 31st District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-6,138, Revised Statutes Supplement, 1982; to require lighted headlamps on motorcycles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 716. By McDonald, 31st District.

A BILL FOR AN ACT relating to radiation control; to amend sections 71-3501 to 71-3503, 71-3509, 71-3511, and 71-3515, Reissue Revised Statutes of Nebraska, 1943; to redefine policy; to redefine terms; to eliminate certain license provisions; to expand a prohibition as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 717. By McDonald, 31st District; Newell, 13th

District; Labedz, 5th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3509.01 to 77-3510, 77-3512 to 77-3514, and 77-3516, Revised Statutes Supplement, 1983; to provide an exemption; to provide intent; to define terms; to provide a credit; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 718. By Kilgarin, 7th District; Labedz, 5th District; DeCamp, 40th District; Hoagland, 6th District; Higgins, 9th District; Hefner, 19th District; Pirsch, 10th District; Landis, 46th District; Newell, 13th District; Scofield, 49th District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to records management; to amend sections 81-1163 to 81-1167, 81-1169, and 84-502, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to provide duties for the Secretary of State; to provide duties for state agencies; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 719. Abboud, 12th District; Barrett, 39th District; Beutler, 28th District; Carsten, 2nd District; Chronister, 18th District; DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Haberman, 44th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Kahle, 37th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Marsh, 29th District; Morehead, 30th District; Nichol, 48th District; Pappas, 42nd District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Wesely, 26th District;

A BILL FOR AN ACT relating to vehicles; to provide for the issuance of temporary license plate renewal tabs as prescribed; to provide for termination of the act; and to declare an emergency.

LEGISLATIVE BILL 720. By Wesely, 26th District.

A BILL FOR AN ACT relating to mental retardation; to amend sections 83-1,141, 83-1,142, and 83-1,143.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to programs and services for persons with mental retardation; to provide additional powers and duties; to define terms; to provide for appointment of regional governing boards; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 721. By Newell, 13th District.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-990 and 85-994, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to financial need as prescribed; to change provisions relating to award requirements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 722. By Wesely, 26th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-6,104.07, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,104.08, Revised Statutes Supplement, 1982; to change provisions relating to the release of certain information in accident reports as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 723. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; Barrett, 39th District; McDonald, 31st District; R. Peterson, 21st District; Rupp, 22nd District; Wesely, 26th District; Withem, 14th District.

A BILL FOR AN ACT relating to medical assistance; to provide for assignment of certain rights of support; to establish eligibility for assistance; and to declare an emergency.

LEGISLATIVE BILL 724. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; Barrett, 39th District; McDonald, 31st District; R. Peterson, 21st District; Rupp, 22nd District; Wesely, 26th District; Withem, 14th District.

A BILL FOR AN ACT relating to nurses; to amend sections 71-1,103, 71-1704, 71-1706, 71-1711, 71-1716, 71-1717, 71-1719, 71-1721, 71-1722, 71-1726, 71-1730, 71-1731, and 71-1736, Reissue Revised Statutes of Nebraska, 1943, and section 71-1724, Revised Statutes Supplement, 1983; to define and redefine terms; to provide criteria for nurse practitioner programs; to change provisions relating to the functions of certain nurses; to provide powers and duties; to create a council; to provide certification requirements; to require the approval of certain boards as prescribed; to provide penalties; to authorize the use of certain titles; to harmonize provisions; to provide exceptions; and to repeal the original sections.

LEGISLATIVE BILL 725. By Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend section 32-223, Reissue Revised Statutes of Nebraska, 1943, and section 32-216, Revised Statutes Supplement, 1982; to allow voters to register in any county as prescribed; to provide election commissioners and county clerks with certain duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 726. By Withem, 14th District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-6,183 and 39-6,186, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,182, 39-6,184, and 39-6,185, Revised Statutes Supplement, 1982; to change provisions relating to vehicle weight limits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 727. By Public Works Committee: Schmit, 23rd District, Chairperson; Beyer, 3rd District; Clark, 47th District; DeCamp, 40th District; Lamb, 43rd District;

A BILL FOR AN ACT relating to the Attorney General; to amend section 84-207, Reissue Revised Statutes of Nebraska, 1943; to change the Attorney General's duties in actions involving the use of waters in interstate streams; to provide for severability; and to repeal the original section.

LEGISLATIVE BILL 728. By Schmit, 23rd District.

A BILL FOR AN ACT relating to tax credit gasoline; to amend section 66-452, Reissue Revised Statutes of Nebraska, 1943; to change the rate of a certain credit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 729. By Schmit, 23rd District.

A BILL FOR AN ACT relating to public power; to amend section 70-1012, Reissue Revised Statutes of Nebraska, 1943; to provide an exception from an approval requirement for acquisition of certain transmission lines and facilities; to eliminate a presumption relating to such lines and facilities; to repeal the original section, and also section 70-1012.02, Revised Statutes Supplement, 1983; and to declare an emergency.

LEGISLATIVE BILL 730. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Power Review Board;

to amend section 70-1020, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain assessments; to change provisions relating to use of a fund; and to repeal the original section.

LEGISLATIVE BILL 731. By DeCamp, 40th District.

A BILL FOR AN ACT relating to motor fuel taxes; to amend sections 66-410, 66-418.03, and 66-428, Reissue Revised Statutes of Nebraska, 1943; to change the rate of certain taxes as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 66-471 and 66-472, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 732. By Pappas, 42nd District.

A BILL FOR AN ACT relating to budgets; to amend sections 23-910, 23-923, and 70-621, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to budget reserves of certain political subdivisions; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 733. By Schmit, 23rd District; Kahle, 37th District; Scofield, 49th District; R. Peterson, 21st District; Jacobson, 33rd District; Sieck, 24th District; Chronister, 18th District; Vickers, 38th District; DeCamp, 40th District; Nichol, 48th District; R. Johnson, 34th District; Morehead, 30th District; Clark, 47th District; Haberman, 44th District; Remmers, 1st District; Pappas, 42nd District; Lamb, 43rd District; Wagner, 41st District; Hefner, 19th District; Barrett, 39th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-331.04 and 60-332, Reissue Revised Statutes of Nebraska, 1943, section 60-403.06, Revised Statutes Supplement, 1982, and section 60-330, Revised Statutes Supplement, 1983, to change provisions relating to registration and use of certain vehicles; to change provisions for special permits; to change certain operator's license provisions as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 734. By Urban Affairs Committee: Newell, 13th District, Chairperson; Remmers, 1st District; Rupp, 22nd District; Scofield, 49th District; Vickers, 38th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-748.01, Reissue Revised Statutes of Nebraska, 1943; to change certain interest provisions on payments due contractors; and to repeal the original section.

LEGISLATIVE BILL 735. By Urban Affairs Committee: Newell, 13th

District, Chairperson; Remmers, 1st District; Rupp, 22nd District; Scofield, 49th District; Vickers, 38th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-1108 and 14-1109, Reissue Revised Statutes of Nebraska, 1943, and section 14-102, Revised Statutes Supplement, 1982; to grant additional powers as prescribed; to provide for collection of certain fees; to provide for the discontinuance of certain services; and to repeal the original sections.

LEGISLATIVE BILL 736. By DeCamp, 40th District.

A BILL FOR AN ACT relating to revolving charge agreements; to amend sections 45-204, 45-205, and 45-206, Reissue Revised Statutes of Nebraska, 1943, and section 45-207, Revised Statutes Supplement, 1982; to redefine terms; to change a provision relating to agreement requirements; to change a provision relating to the seller's monthly statement; to change a rate; and to repeal the original sections.

LEGISLATIVE BILL 737. By V. Johnson, 8th District; Wesely, 26th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-414 and 77-2608, Reissue Revised Statutes of Nebraska, 1943; to change the shrinkage allowed for motor vehicle fuels taxes; to change the discount authorized for cigarette stamps; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 738. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to employment; to provide intent; to define terms; and to provide for the termination of certain employment contracts.

LEGISLATIVE BILL 739. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1111 and 48-1119, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1983; to define a term; to change provisions relating to lawful employment practices; to change provisions relating to settlements; and to repeal the original sections.

LEGISLATIVE BILL 740. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to infants; to provide intent; to define terms; to provide for the accreditation of early childhood programs as prescribed; to provide standards; and to provide for certain inspections.

LEGISLATIVE BILL 741. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to liquor; to amend sections 53-103 and 53-125, Revised Statutes Supplement, 1983; to redefine a term; to change a provision relating to persons ineligible for liquor licenses; and to repeal the original sections.

LEGISLATIVE BILL 742. By Scofield, 49th District.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1502 and 81-1531.02, Revised Statutes Supplement, 1983; to define terms; to prohibit certain methods of uranium mining; and to repeal the original sections.

LEGISLATIVE BILL 743. By Von Minden, 17th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-6,138, Revised Statutes Supplement, 1982; to change a provision relating to the use of motor vehicle lights as prescribed; and to repeal the original section.

LEGISLATIVE BILL 744. By Hoagland, 6th District; H. Peterson, 35th District; Lamb 43rd District; Barrett, 39th District; Chronister, 18th District; R. Peterson, 21st District; Lundy, 36th District; Sieck, 24th District; L. Johnson, 15th District; Vickers, 38th District; Kahle, 37th District; Jacobson, 33rd District; Marsh, 29th District.

A BILL FOR AN ACT relating to gambling; to amend section 28-1101, Revised Statutes Supplement, 1983; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 745. By Business and Labor Committee: Barrett, 39th District, Chairperson; Eret, 32nd District; Goll, 16th District; Labedz, 5th District; McDonald, 31st District; R. Peterson, 21st District; Wesely, 26th District.

A BILL FOR AN ACT relating to employment; to amend section 48-604, Revised Statutes Supplement, 1983; to clarify the meaning of certain provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 746. By Business and Labor Committee:

Barrett, 39th District, Chairperson; Eret, 32nd District; Goll, 16th District; R. Peterson, 21st District; Wesely, 26th District.

A BILL FOR AN ACT relating to labor; to amend section 48-620, Reissue Revised Statutes of Nebraska, 1943, section 48-628.02, Revised Statutes Supplement, 1982, and section 48-628, Revised Statutes Supplement, 1983; to provide for interest payments on advances to the Unemployment Trust Fund; to change provisions relating to conditions which disqualify applicants for benefits; to define a term; to change a provision relating to extended benefits; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 747. By Business and Labor Committee: Barrett, 39th District, Chairperson; Eret, 32nd District; Goll, 16th District; Labedz, 5th District; McDonald, 31st District; R. Peterson, 21st District; Wesely, 26th District.

A BILL FOR AN ACT relating to labor; to amend section 48-609, Reissue Revised Statutes of Nebraska, 1943, and section 84-1301, Revised Statutes Supplement, 1983; to change retirement provisions for employees of the Division of Employment; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 748. By Marsh, 29th District.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-132, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to adoption of standard codes; and to repeal the original section.

LEGISLATIVE BILL 749. By Education Committee: Vickers, 38th District, Chairperson; Eret, 32nd District; Goll, 16th District; Hoagland, 6th District; Lamb, 43rd District; Newell, 13th District;

A BILL FOR AN ACT relating to schools; to amend section 79-4,123, Revised Statutes Supplement, 1982; to change a provision relating to fire prevention instruction; to eliminate the publication of certain information in the teachers' handbook as prescribed; and to repeal the original section, and also section 79-4,124, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 750. By Nebraska Retirement Systems Committee: Wesely, 26th District, Chairperson; DeCamp, 40th District; Schmit, 23rd District; Vickers, 38th District; Warner, 25th District.

A BILL FOR AN ACT relating to judges' retirement; to amend section 24-708, Reissue Revised Statutes of Nebraska, 1943, and section 24-701, Revised Statutes Supplement, 1983; to define a term; to change retirement provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 751. By Nebraska Retirement Systems Committee: Wesely, 26th District, Chairperson; DeCamp, 40th District; Schmit, 23rd District; Vickers, 38th District;

A BILL FOR AN ACT relating to the State Employees Retirement System; to amend sections 84-1305, 84-1308, 84-1309, 84-1315, 84-1323, and 84-1331, Reissue Revised Statutes of Nebraska, 1943, and sections 84-1301, 84-1310, 84-1311, 84-1319, and 84-1321, Revised Statutes Supplement, 1983; to define and redefine terms; to change provisions relating to the investment of funds and the general administration of the retirement system; to authorize investment options as prescribed; to harmonize provisions; and to repeal the original sections and also sections 84-1314 and 84-1329, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 752. By Nebraska Retirement Systems Committee: Wesely, 26th District, Chairperson; DeCamp, 40th District; Goodrich, 20th District; Schmit, 23rd District; Vickers, 38th District; Warner, 25th District.

A BILL FOR AN ACT relating to corporate trustees; to amend section 24-601.04, Reissue Revised Statutes of Nebraska, 1943; to allow certain pension fund investments for political subdivisions; and to repeal the original section.

STANDING COMMITTEE REPORT
Government, Military & Veterans Affairs

LEGISLATIVE BILL 478. Corrected Standing Committee Amendments:

1. On page 2, line 25, strike "five", show as stricken, and insert "four".

2. On page 3, strike beginning with "and" in line 5 through "competency" in line 6.

3. Strike original section 3.

4. On page 4, strike line 10 and show the old matter as stricken; in line 16 strike "(2)" and insert "(1)"; and in line 22 strike "(3)" and insert "(2)".

5. On page 6, line 15, strike "7" and insert "6" and strike the comma after "act" and insert an

underscored period; and in line 17 strike "81-8,110.08,".

6. Renumber the remaining sections accordingly.

(Signed) Dave Landis, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 223. By H. Peterson, 35th District.

A Resolution to propose an amendment to Article VII, sections 10 and 13, and to add a new section thereto and to propose an amendment to Article XIII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION: Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendments to Article VII, sections 10 and 13, and adding a new section thereto and an amendment to Article XIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Article VII, Sec. 10. ~~The~~ Until January 8, 1987, the general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

Article VII, Sec. 13. ~~The~~ Until January 8, 1987, the general government of the state colleges as now existing, and such other state colleges as may be established by law, shall be vested, under the direction of the Legislature, in a board of seven members to be styled as designated by the Legislature, six of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years, and the Commissioner of Education shall be a member ex officio. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein.

Sec. 18. Commencing January 8, 1987, the general government of the University of Nebraska and of all other state colleges as now exist or as may be established by law shall be vested by the Legislature in a board of sixteen members, to be designated the Board of Higher Education, who shall be elected from and by districts as provided by the Legislature. The term of office of elected members shall be for six years. Their duties and powers shall be prescribed by law and they shall receive no compensation, but may be reimbursed for their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into eight compact Board of Higher Education districts, of approximately equal population which shall be numbered consecutively. The district boundaries of the Board of Higher Education shall, beginning January 1, 1986, be identical to the eight Board of Regents districts until redistricting is required.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office and the law providing for such redistricting shall where necessary specify the newly established district which a board member shall represent for the balance of his or her term.

The eight elected members of the Board of Regents in office on January 8, 1987, shall continue in office as members of the Board of Higher Education until their terms expire or until their respective successors are elected and qualified.

The eight additional members of the Board of Higher Education shall initially be elected, one from each district, at the general election in 1986 for terms of two years, four years, or six years in such a way as to create staggered terms of office that do not coincide with the staggered terms of office of those members already in office in each district, as determined by the Legislature.

Prior to November 1, 1986, the Legislature may enact enabling legislation to implement the provisions of this section.

Article XIII, Sec. 1. The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrepealable until such debt is paid; PROVIDED, that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures; AND PROVIDED FURTHER, that until January 8, 1987, the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase or otherwise acquire, extend, add to, remodel, repair, furnish and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated and after January 7, 1987, the Board of Higher Education and the State Board of Education may issue such bonds. Bonds for new construction shall be first approved as the Legislature shall provide.". Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to eliminate the existing governing authority of all state colleges and to vest the general government of the University of Nebraska and the other state colleges in a board to be known as the Board of Higher Education and to provide such board with the power to issue bonds.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 224. By DeCamp, 40th District.

A Resolution to propose an amendment to Article IX, section 2, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION: Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article IX, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 2. (1) Except as provided in subsection (2) of this section, no ~~No~~ county shall be divided nor any part of the territory of any county be stricken therefrom, nor shall any county or part of the territory of any county be added to an adjoining county without submitting the question to the qualified electors of each county affected thereby, nor unless approved by a majority of the qualified electors of each county voting thereon; provided, that when county boundaries divide sections, or overlap, or fail to meet, or are in doubt, the Legislature may by law provide for their adjustment, but in all cases the new boundary shall follow the nearest section line or the thread of the main channel of a boundary stream.

(2) The Legislature shall, no later than July 1, 1986, provide for the

consolidation of Nebraska's counties into no more than thirty counties with a minimum population of thirty thousand people per county. Notwithstanding section 4 of this article, no vote shall be required for any consolidation of county offices required as a result of the consolidation mandated by this subsection.". Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to require the Legislature to consolidate Nebraska's counties.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 225. By Kilgarin, 7th District; Pappas, 42nd District; Newell, 13th District.

A Resolution to propose an amendment to Article VII, section 10, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION: Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature: Constitution of Nebraska, Supplement 1975.

"Sec. 10. The general government of the University of Nebraska shall ~~, under the direction of the Legislature,~~ be administered by a board, subject to such direction as the Legislature shall provide, comprised~~vested in a board~~ of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be appointed by the Governor, with the advice and consent of the Legislature,~~elected~~ from ~~and~~ ~~by~~ districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of appointed ~~elected~~ members shall be for ~~six~~ four years each except for the initial appointees, four of whom shall be appointed to two- year terms. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members appointed ~~elected~~ prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.". (Amended, 1920, 1968.) Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to place the Board of Regents of the University of Nebraska under the direction of the Legislature and to provide that regents be appointed for four-year terms.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 226. By V. Johnson, 8th District.

A Resolution to propose an amendment to Article III, section 9, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 9, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 9. No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to~~,~~ or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to ~~a~~ an elective state office or to any office provided for in Article V of this Constitution while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void. Any person elected or appointed to the Legislature shall be eligible to receive an appointment from the Governor to any nonelective state office provided for in Article IV of this Constitution.". (Amended, 1972.) Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to make legislators eligible to receive certain appointments to state offices.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 227. By McDonald, 31st District.

A Resolution to propose an amendment to Article VIII, section 12, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION: Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 12, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 12. For the purpose of rehabilitating, acquiring , or ~~and~~ redeveloping substandard or blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition , or ~~and~~ redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.". Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to allow municipalities to incur indebtedness for rehabilitation of substandard or blighted property.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 228. By V. Johnson, 8th District.

A Resolution to propose an amendment to Article III, section 7, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; PROVIDED, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. ~~Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization.~~ Each member of the Legislature shall receive a salary of not to exceed four hundred dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to ~~his~~ the actual expenses incurred in traveling by the most usual route once to and returning from each regular or special session of the Legislature.

Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.". Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to eliminate the requirement that elections for members of the Legislature be in a nonpartisan manner.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

MOTION - Suspend Rules

Speaker Nichol moved to suspend Rule 4 Section 6 to permit consideration of L.R. 220.

The motion prevailed with 43 ayes, 0 nays, 6 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 221. Read. Considered.

LR 221 was adopted with 46 ayes, 0 nays, 3 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 753. By Withem, 14th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1801, 77-1802, 77-1804, and 77-1918, Reissue Revised Statutes of Nebraska, 1943; to change the date by which real estate in certain counties is subject to sale for delinquent taxes as prescribed; to change a provision relating to the publication of delinquent tax lists; to change the date by which the county treasurer in certain counties shall file a report; and to repeal the original sections.

LEGISLATIVE BILL 754. By Pappas, 42nd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to loans; to amend section 8-330, Reissue Revised Statutes of Nebraska, 1943; to require interest payments for certain escrow accounts; and to repeal the original section.

LEGISLATIVE BILL 755. By Pappas, 42nd District.

A BILL FOR AN ACT relating to the State Electrical Division; to amend section 81-2121, Revised Statutes Supplement, 1982; to apply the State Electrical Act to certain residents of the state as prescribed; and to repeal the original section.

LEGISLATIVE BILL 756. By Pappas, 42nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-303, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to requirements for registration of motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 757. By Pappas, 42nd District.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend section 76-1002, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to transfers of trust in real property; and to repeal the original section.

LEGISLATIVE BILL 758. By Pappas, 42nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708, Revised Statutes Supplement, 1983; to change provisions relating to certain sales and use tax revenue collected by retailers; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 759. By DeCamp, 40th District; Remmers, 1st District.

A BILL FOR AN ACT relating to insurance; to adopt the Uninsured and Underinsured Motorist Coverage Act; to provide an operative date; to eliminate existing provisions relating to uninsured motor vehicles; and to repeal sections 60-509.01 to 60-509.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 760. By DeCamp, 40th District.

A BILL FOR AN ACT relating to motor vehicles; to provide duties; and to provide for the issuance of special license plates for former prisoners of war as prescribed.

LEGISLATIVE BILL 761. By Marsh, 29th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Nebraska Certified Nurse Midwifery Practice Act; to provide for the certification and practice of nurse midwives; to provide fees; and to provide penalties.

LEGISLATIVE BILL 762. By R. Johnson, 34th District; Lundy, 36th District; DeCamp, 40th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to rules of administrative agencies; to amend sections 84-901 and 84-907, Reissue Revised Statutes of Nebraska, 1943; to extend a hearing date; to require an analysis of proposed rules as prescribed; to establish a procedure and guidelines for an analysis; to provide duties for rulemakers; to provide a statute of limitations; and to repeal the original sections.

LEGISLATIVE BILL 763. By Newell, 13th District.

A BILL FOR AN ACT relating to dentistry; to provide for the identification of dentures and dental prostheses as prescribed; to provide a penalty; and to declare an emergency.

LEGISLATIVE BILL 764. By Chambers, 11th District.

A BILL FOR AN ACT relating to postsecondary education; to prohibit the discontinuance or withdrawal of athletic scholarships from certain athletes.

LEGISLATIVE BILL 765. By Chambers, 11th District.

A BILL FOR AN ACT relating to workmen's compensation; to amend section 48-101, Reissue Revised Statutes of Nebraska, 1943, and section 48-115, Revised Statutes Supplement, 1983; to provide compensation for injury to certain athletes; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 766. By Rupp, 22nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-6,104.04, 60-505, and 60-507, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the reporting of accidents; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 767. By Wesely, 26th District.

A BILL FOR AN ACT relating to oils and fuels; to adopt the Petroleum Products Act.

LEGISLATIVE BILL 768. By Wesely, 26th District.

A BILL FOR AN ACT relating to schools; to amend section 79-445, Revised Statutes Supplement, 1982; to authorize attendance of certain students without payment of tuition; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendment to LB 482 in the Journal. No objections. So ordered.

1. Insert the following new sections:

"Section 1. That section 18-1736, Revised Statutes Supplement, 1982, be amended to read as follows:

18-1736. A city or village may designate parking spaces for the exclusive use of (1) disabled persons whose vehicles display the distinguishing license plates issued to disabled persons pursuant to section 60-311.14, (2) disabled persons whose vehicles display a distinguishing license plate issued to a disabled person or paraplegic by another state, (3) such other handicapped persons, as certified by the city or village, whose vehicles display the identification as determined by the Department of Motor Vehicles, and (4) such other motor vehicles, as certified by the city or village, which display the identification as determined by the Department of Motor Vehicles. All such permits shall be displayed in the operator's area in a conspicuous location upon the vehicle's dashboard or its equivalent. Whenever a city or village so designates a parking space, it shall be indicated by a sign as described in section 18-1737. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space.

Sec. 2. That section 18-1739, Revised Statutes Supplement, 1982, be amended to read as follows:

18-1739. The permit to be issued by the Department of Motor Vehicles shall be a card not less than five inches by eight inches in size on which is prominently displayed ~~to be issued by the Department of Motor Vehicles, containing~~ the letter H and an identifying number on the front of the card. The name, address, phone number, date of birth, and age of the physically handicapped person to whom issued shall appear on the reverse side. The name, address, and phone number of the party to whom issued and the license plate number of the motor vehicle for which the permit is issued shall appear on the reverse side of the permit if such permit is issued for a motor vehicle used primarily for the transportation of physically handicapped persons. No permit shall be issued to any person or for any motor vehicle if any valid handicapped parking permit has been issued to such person or for such motor vehicle if such permit has been suspended pursuant to section 18-1741.

A duplicate permit may be provided by the department without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be valid for the remainder of the period for which the original permit was issued.".

2. On page 2, line 20, strike "is" and insert "and sections 18-1736 and 18-1739, Revised Statutes Supplement, 1982, are".

3. Renumber the remaining sections accordingly.

RULES COMMITTEE REPORT

(1)

The Rules Committee met on Tuesday, January 3, 1984, and acted favorably on the following proposed rule change:

Wesely rule change to Rule 3, Section 5:

In subsection (b), change line 11 to read:

Nebraska Retirement Systems. RRS 50-416 .... ~~5~~6 members

In subsection (c), change (ii) to read:

(ii) Nebraska Retirement Systems Committee.

The Nebraska Retirement Systems Committee (RRS-50-416) ~~together with the chairperson of the Appropriations Committee~~ shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions.

Note: RRS 50-416 makes it clear that the Retirement Committee consists of five members appointed by the Executive Board plus the Chairman of the Appropriations Committee (i.e., six members). The rules change is intended to make it clear that the Appropriations Committee Chairman is a regular, not ex-officio, member of the Retirement Committee.

(2)

The Rules Committee met on Tuesday, January 3, 1984, and acted favorably on the following proposed rule change:

Hoagland rule change to Rule 6, found on page 559 of the Journal, February 17, 1983:

Amend Rule 6 by inserting a new section 2 and renumbering the remaining sections accordingly:

Section 2. Each Legislator before presenting any amendments on the floor shall make all reasonable efforts to show those amendments to the principal sponsor of the bill, and shall make a good faith effort to resolve his or her differences with the principal sponsor.

Note: The intent of this provision is to save floor debate by encouraging compromise where possible.

(3)

The Rules Committee met on Tuesday, January 3, 1984, and acted favorably on the following proposed rule change:

V. Johnson rule change to Rule 8, Section 5:

Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation provided for in Sec. 4 of this Rule which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriation bills as reported to General File by the Appropriations Committee. All "A" bills which, when considered with their companion bill, appropriate General Funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on final reading until the appropriation bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriation bills on General File no later than the 70th Legislative Day in a 90 day session and the 40th Legislative Day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriation bills as introduced by the Governor. The appropriation bills shall be passed no later than the 80th Legislative Day in a 90 day session and the 50th Legislative day in a 60 day session. Such appropriation bills proposed by the Appropriations Committee plus the allocation for the funding of "A" bills, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills, shall not be in excess of the maximum General Fund appropriation adopted by resolution pursuant to Sec. 4 of this Rule. The appropriation provided for in an "A" bill shall be for not less than two fiscal years.

Note: This amendment would require that "A" bills be held pending consideration of the appropriations bills only if they result in a net loss to the General Fund.

MOTION - Adopt Rules

Mr. Hoagland moved to adopt the permanent rules.

Mr. Hoagland offered amendment (1) offered earlier by Mr. Wesely, found in this day's Journal.

The Wesely amendment (1) was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Mr. Carsten asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Hoagland offered amendment (2) offered earlier by Mr. Hoagland, found in this day's Journal.

Mr. Lamb offered the following amendment to the Hoagland amendment (2):

Section 2. Each Legislator before presenting any amendments on the floor is encouraged to make all reasonable efforts to show those amendments to the principal sponsor of the bill, and to resolve his or her differences with the principal sponsor.

The Lamb amendment was adopted with 32 ayes, 3 nays, 13 present and not voting, and 1 excused and not voting.

The Hoagland amendment (2), as amended, lost with 9 ayes, 24 nays, 15 present and not voting, and 1 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland offered amendment (3) offered earlier by Mr. V. Johnson found in this day's Journal.

The V. Johnson amendment (3) was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Mr. V. Johnson offered the following rule change:
Amend Rule 5, Section 4 (c) to read as follows:

(c) No bill shall be introduced after the tenth legislative day of any session except:

1. "A" Bills, appropriation bills and bills introduced at the request of the Governor may be introduced at any time;

2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the

elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.

3. A special committee as created by the Executive Board on December 10, 1983, regarding the Commonwealth investigation and matters related thereto, may introduce bills at any time during the course of the 1984 Legislative session. Said bills to be introduced must receive endorsement of a majority of the committee members whose names shall appear on the bill in order to fall within the perview of this section.

Mr. Chambers offered the following amendment to the V. Johnson proposed rule change:

"Provided, however, that this section shall not be effective until such time as the special committee shall have been approved by a majority of the elected members of the Legislature."

Laid over temporarily.

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

(The following resolution was adopted by the Executive Board on December 10, 1983.)

LEGISLATIVE RESOLUTION 229.

Introduced by V. Johnson, 8th District.

WHEREAS, Commonwealth, an industrial loan and investment company, was determined to be insolvent by the Department of Banking and Finance on November 1, 1983; and

WHEREAS, the Nebraska Depository Institution Guaranty Corporation Act provided for a guarantee of the deposits of industrial loan and investment companies; and

WHEREAS, an examination should be made of:

(1) The responsibility for the insolvency of Commonwealth;

(2) The activities of the Department of Banking and Finance, its directors, employees, and agents in examining and monitoring the activities of Commonwealth and other regulated financial institutions, their directors, employees, and agents;

(3) The responsibility for the failure of the Nebraska Depository Institution Guaranty Corporation to have adequate coverage to meet the needs of guaranteed deposits;

(4) Activities of the Department of Banking and Finance, its directors, employees, and agents in examining and monitoring the activities of the Nebraska Depository Institution Guaranty Corporation, its directors, employees, and agents;

(5) Activities of the Nebraska Depository Institution Guaranty Corporation, its directors, employees, and agents, in examining and monitoring the activities of Commonwealth and other member corporations, their directors, employees, and agents;

(6) Activities of the Attorney General and the office of the Attorney General in examining and monitoring the activities of Commonwealth, other regulated financial institutions, the Nebraska Depository Institution Guaranty Corporation, corporations which were members of the Nebraska Depository Institution Guaranty Corporation, and the directors, employees, and agents of each;

(7) Activities of the past and present Governor and their offices in examining and monitoring the activities of Commonwealth, other regulated financial institutions, the Nebraska Depository Institution Guaranty Corporation, member corporations, and the directors, employees, and agents of each;

(8) Involvement of all past and present public officeholders and public employees with respect to transactions between themselves and Commonwealth, its directors, employees, and agents and between themselves and enterprises controlled by the directors, employees, or agents of Commonwealth;

(9) Potential liability of the State of Nebraska, its employees, and agents for losses of depositors, members, and creditors of Commonwealth and the Nebraska Depository Institution Guaranty Corporation;

(10) The constitutionality, legality, and feasibility of possible legislative solutions for assistance to the depositors, members, and creditors of Commonwealth and the Nebraska Depository Institution Guaranty Corporation and consideration of all legislation designed to assist depositors, members, or creditors of Commonwealth;

(11) Recommendations of legislation to improve, where necessary, public institutions charged with oversight responsibilities for financial institutions in Nebraska;

(12) Consideration of all resolutions of impeachment relating to any officeholder involved in any of the foregoing matters or issues; and

(13) Such other and additional business as may come before the committee that touches upon any of the foregoing matters, persons, entities, or issues; and

WHEREAS, focusing all issues related to Commonwealth in a special committee will insulate the rest of the Legislature from constant encouragement by others to do something and will avoid duplication of effort; and

WHEREAS, by appointing several standing committee chairpersons to a special committee to address the numerous issues involved with Commonwealth's insolvency the Legislature can develop a cohesive and comprehensive response.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EXECUTIVE BOARD OF THE LEGISLATIVE COUNCIL:

1. That, pursuant to section 50-404, a special committee of the Legislature be established to investigate the matters enumerated in this resolution and any related matters.
2. That the following persons serve on such committee: Senators William Barrett, Emil Beyer, Calvin Carsten, Robert Clark, John DeCamp, Rex Haberman, Vard Johnson, Bernice Labedz, Shirley Marsh, Marge Higgins, William Nichol, Wiley Remmers, Loran Schmit, Donald Wagner, and Jerome Warner.
3. That Senator Vard Johnson be appointed chairperson of such committee.
4. That the special committee be vested with legislative power to issue subpoenas. This power shall commence upon establishment of the special committee and end upon the conclusion of the 1984 regular session. If the committee needs additional time for issuing subpoenas it shall return to the Executive Board of the Legislative Council for authorization. The committee shall follow Rule 3, section 19, of the Rules of the Nebraska Unicameral, regarding subpoena procedure.
5. That $50,000 be allocated to the special committee from Legislative Council appropriations to be used to retain special counsel and cover other necessary committee expenses.
6. That all bills and resolutions introduced during the next legislative session that pertain in any way to any of the issues enumerated in this resolution be referred to the special committee for consideration and public hearing, where necessary.
7. That a majority of the special committee shall constitute a quorum for all purposes. A member who fails to attend three consecutive or five total committee meetings shall no longer be deemed as a member of the special committee.
8. That a motion be made on the first day of the legislative session for amendment of the legislative rules to permit the special committee to introduce legislative bills and resolutions at any time during the session without requiring a floor vote to allow such introduction.
9. That an interim report of all activities and findings of the special committee be made on June 1, 1984.
10. That the special committee terminate on December 31, 1984, and a final report be due upon termination of the committee.

Mr. DeCamp moved to suspend the rules, Rule 4 Section 6, to permit consideration of LR 229 today.

The motion to suspend the rules prevailed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Mr. DeCamp offered the following amendment to LR 229:

Amend LR 229, in paragraph 2 following "Now, therefore be it resolved by the members of the 88th Legislature, Second Session," by adding the name of Ernest Chambers.

Mr. Chambers requested a record vote on the DeCamp amendment.

Voting in the affirmative, 25:

Beutler
Chambers
DeCamp
Hannibal
Harris
Higgins
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Pirsch
Rupp
Scofield
Sieck
Vickers
Wagner
Warner
Wesely
Withem

Voting in the negative, 13:

Clark
Fenger
Goll
Hefner
Jacobson
Johnson, L.
Kahle
Lamb
Lundy
Peterson, H.
Remmers
Schmit
Von Minden

Present and not voting, 9:

Abboud
Barrett
Beyer
Chronister
Eret
Goodrich
Haberman
Johnson, R.
Peterson, R.

Excused and not voting, 2:

Carsten
Hoagland

The DeCamp amendment was adopted with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

Mrs. Marsh offered the following amendment to LR 229:

In paragraph 2 following "Now therefore be it resolved by the members of the 88th Legislature, Second Session," by striking the name of Shirley Marsh and inserting the name of Chris Beutler.

Mr. Chambers requested a record vote on the Marsh amendment.

Voting in the affirmative, 31:

Beutler
Chambers
DeCamp
Eret
Goodrich

Hannibal Harris Higgins Jacobson Johnson, L.
Johnson, V. Kahle Kilgarin Labedz Landis
Lundy Marsh McDonald Morehead Newell
Nichol Peterson, H. Pirsch Rupp Schmit
Scofield Vickers Wagner Warner Wesely
Withem

Voting in the negative, 7:

Abboud Goll Hefner Lamb Pappas
Remmers Von Minden

Present and not voting, 9:

Barrett Beyer Chronister Clark Fenger
Haberman Johnson, R. Peterson, R. Sieck

Excused and not voting, 2:

Carsten Hoagland

The Marsh amendment was adopted with 31 ayes, 7 nays, 9 present and not voting, and 2 excused and not voting.

Messrs. Beyer and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

LR 229 was adopted, as amended with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

MOTION - Adopt Rules

Mr. Chambers asked unanimous consent to withdraw his pending amendment to the V. Johnson rule change found in this day's Journal. No objections. So ordered.

Mr. V. Johnson renewed his pending rule change found in this day's Journal.

The V. Johnson rule change was adopted with 37 ayes, 0 ays, 8 present and not voting, and 4 excused and not voting.

Mr. Jacobson renewed the Hoagland pending motion to adopted the permanent rules as amended.

The motion prevailed with 38 ayes, 1 nay, 6 present and not voting, and

4 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 769. By Wesely, 26th District; V. Johnson, 8th District.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, 1943; to reduce the administrative fee retained by the state for collection of local sales and use taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 770. By Abboud, 12th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.01, Revised Statutes Supplement, 1983; to set income and sales tax rates; to change provisions relating to the setting of tax rates; to provide operative dates; and to repeal the original section.

LEGISLATIVE BILL 771. By DeCamp, 40th District.

A BILL FOR AN ACT relating to schools; to provide intent; to establish a select committee as prescribed; and to provide duties.

LEGISLATIVE BILL 772. By Warner, 25th District.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; and to declare an emergency.

LEGISLATIVE BILL 773. By Wesely, 26th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-901, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to appearance bonds; and to repeal the original section.

LEGISLATIVE BILL 774. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Clark, 47th District; Haberman, 44th District; Remmers, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT relating to public funds; to require that certain deposits be federally insured.

LEGISLATIVE BILL 775. By Barrett, 39th District.

A BILL FOR AN ACT relating to the Nebraska Medical Student Assistance Act; to amend sections 71-5632.01, 71-5636, and 71-5643.01, Reissue Revised Statutes of Nebraska, 1943; to increase allowable time periods for certain loan repayments and other agreements; and to repeal the original sections.

LEGISLATIVE BILL 776. By Barrett, 39th District; Hannibal, 4th District.

A BILL FOR AN ACT relating to workmen's compensation; to amend section 48-115, Revised Statutes Supplement, 1983; to provide an election for coverage for certain people as prescribed; and to repeal the original section.

LEGISLATIVE BILL 777. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to insurance; to provide for an adjustment of premiums for certain motor vehicle insurance policies; and to provide duties as prescribed.

LEGISLATIVE BILL 778. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to dentistry; to amend sections 71-114, 71-115, 71-183.01, 71-193.13, and 71-193.14, Reissue Revised Statutes of Nebraska, 1943, and sections 71-113 and 71-116, Revised Statutes Supplement, 1983; to provide for the registration of dental assistants as prescribed; to define terms; to provide for an additional appointment to the Board of Examiners in Dentistry; to harmonize provisions; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 779. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to brands; to amend sections 54-121, 54-125, and 54-1183, Reissue Revised Statutes of Nebraska, 1943, sections 54-103, 54-116, 54-126, 54-143, 54-147, and 54-152, Revised Statutes Supplement, 1982, and sections 54-101 and 54-169, Revised Statutes Supplement, 1983; to include horses in brand requirements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 780. By DeCamp, 40th District.

A BILL FOR AN ACT relating to public health and welfare; to provide intent; to define terms; to allow the Department of Social Services, hospitals, and certain health care providers to enter into contracts as prescribed; to provide a procedure; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 781. By Marsh, 29th District.

A BILL FOR AN ACT relating to schools; to amend section 79-444, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to public day care programs; and to repeal the original section.

LEGISLATIVE BILL 782. By Urban Affairs Committee: Newell, 13th District, Chairperson; Fenger, 45th District; Higgins, 9th District; Rupp, 22nd District; Scofield, 49th District;

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1707, Reissue Revised Statutes of Nebraska, 1943; to authorize cities and villages to contract for law enforcement services as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 783. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to local health departments; to amend sections 71-1629, 71-1629.02, and 71-1632, Reissue Revised Statutes of Nebraska, 1943; to change certain provisions relating to the establishment and management of local health departments; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 275 in the Journal. No objections. So ordered.

AM1585

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the State Building construction Act.

Sec. 2. The purpose of the State Building Construction Act is to:

(1) Adopt a state building code to govern the construction, reconstruction, alteration, and repair of state buildings and other state structures;

(2) Provide state standards to safeguard life, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use, occupancy, and maintenance of state

buildings and other state structures; and

(3) Provide for the use of modern and innovative methods, devices, materials, and techniques in the design and construction of state buildings and other state structures.

Sec. 3. For the purposes of the State Building Construction Act, unless the content otherwise requires:

(1) State agency shall mean any department, division, office, commission, board, or any other unit or body, however designated, of the state government; and

(2) State buildings and other state structures shall mean any building or structure owned by the state in whole or in part.

Sec. 4. There is hereby created the state building code. The Legislature hereby adopts by reference the Uniform Building Code, 1982 edition, and the Uniform Building Code Standards, 1982 edition, published by the International Conference of Building Officials as the state building code.

Sec. 5. The State Fire Marshal shall adopt and promulgate rules and regulations to implement the state building code. The State Fire Marshal may by regulation adopt and enforce changes which are made to the Uniform Building Code, 1982 edition and the Uniform Building Code Standards, 1982 edition.

Sec. 6. All state agencies shall comply with the state building code. No state agency may adopt, promulgate, or enforce any rule or regulation in conflict with the state building code.

Sec. 7. Building permits or certificates of use or occupancy, validly issued prior to July 1, 1985, applying to state buildings or state structures being constructed or altered shall be valid after such date and the construction may be completed pursuant to the permit or certificate, unless otherwise revoked by the issuing agency.

Sec. 8. No person shall engage in or aid or abet any other person to engage in any conduct or activity for which a permit, certificate, label, or other formal authorization is required pursuant to the State Building Construction Act without first having obtained such permit, certificate, label, or other formal authorization.

Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: 220.

VISITORS

Visitors to the Chamber were Mg. James Carmona, Adj. General; Ltc Stan Heng, NE Nat'l Guard; and CW4 Gerry Gerner, NE National Guard.

ADJOURNMENT

At 4:30 p.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:30 a.m., Thursday, January 5, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 5, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 5, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Rupp who was excused; and Messrs. Haberman, V. Johnson, Kahle, Newell, R. Peterson, Sieck, Vickers, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 118, line 10, strike "Seventh" and insert "Eighth".
Page 151, after line 42, insert "Laid over."
Page 153, insert "Hannibal, 4th District; Wesely, 26th District" in introducers.
Page 172, line 24 and 25 strike "221" and insert "220".
Page 179, strike lines 21 and 22.
Page 181, strike line 7, and insert "THE 88TH LEGISLATURE, SECOND SESSION:"
Page 188, line 16, strike "9:30" and insert "9:00".

The Journal for the First Day was approved as corrected.

RESOLUTIONS

LEGISLATIVE RESOLUTION 230.

Introduced by Labedz, 5th District.

WHEREAS, Wauneta and Robert E. Burkley have graciously donated to the Nebraska Game and Parks Foundation property located in Jefferson County, Nebraska holding great potential for camping, historical preservation, and related outdoor recreational activities; and

WHEREAS, the Nebraska Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting recreational opportunities for Nebraskans, the Nebraska Legislature wishes to grant approval for the Nebraska Game and Parks Commission to obtain title to all or any part of such land presently held in trust by the Nebraska Game and Parks Foundation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Nebraska Game and Parks Commission of all of the real estate described as follows:

Southwest Quarter of the Northwest Quarter of Section 26, Township 2 North, Range 3 East of the 6th P.M., Jefferson County, Nebraska.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as a part of the Rock Creek Historical State Park.

Laid over.

LEGISLATIVE RESOLUTION 231.

Introduced by Labedz, 5th District.

WHEREAS, Pauline and Neal L. Keller have graciously donated to the Nebraska Game and Parks Foundation property located in Brown County, Nebraska holding great potential for camping, fishing, and related outdoor recreational activities; and

WHEREAS, the Nebraska Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting recreational opportunities for Nebraskans, the Nebraska Legislature wishes to grant approval for the Nebraska Game and Parks Commission to obtain title to all or any part of such land presently held in trust by the Nebraska Game and Parks Foundation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF

THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Nebraska Game and Parks Commission of all of the real estate described as follows:

South Half of the Southeast Quarter of Section 9 and the South Half of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 10, all in Township 31 North, Range 21 West of the 6th P.M., Brown County, Nebraska.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as the Keller Park State Recreation Area.

Laid over.

MESSAGE FROM THE SECRETARY OF STATE

December 28, 1983

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

> John D. Wherry, Pawnee City, Nebraska 68420, Member of the Nebraska Accountability and Disclosure Commission, for a term of six years, ending June 30, 1989.

This appointment was made by me, pursuant to the provisions of Section 49-14,105.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ALLEN J. BEERMANN
Secretary of State

cc: John D. Wherry
Accountability and Disclosure Commission
Senator Elroy M. Hefner

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING KNOW YE, that I, Allen J. Beermann, Secretary of State of the State of Nebraska, reposing special trust and confidence in the integrity, patriotism and ability of JOHN D. WHERRY, of Pawnee City, Nebraska, on behalf and in the name of the State do hereby appoint and commission him a MEMBER OF THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION and do authorize and empower him to discharge the duties of said office according to law; this appointment to take effect and be in force on and after July 30, 1983, and to continue for such time as he shall satisfactorily perform all the duties imposed upon such officer by law and for six (6) years ending June 30, 1989.

Further, I hereby certify that his appointment is made under the provision of Nebraska Statute 49-14,105 and said appointment represents the six (6) year term and is made from a duly submitted list of nominees tendered the Secretary of State from the Republican Party state chairperson.

Finally, I hereby certify said appointment shall and will be submitted to the next session of the Legislature for confirmation.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this twenty-eighth day of July in the year of our Lord, one thousand nine hundred and eighty-three.

(SEAL) Allen J. Beermann, Secretary of State

COMMUNICATION

January 4, 1984

Dear Mr. President, Mr. Speaker & Members of the Nebraska Legislature:

I want to say thanks to all the members and staff of the Nebraska Legislature for the fine compliments paid to me on Wednesday, January 4th on my retirement as Sergeant at Arms.

It was very gratifying to me and the most complimentary remarks ever paid to me. It is nice to have so many acquaintances and friends.

God bless you.

Ray R. Wilson

SPEAKER'S ANNOUNCEMENT

RE: Recess Days for 1984 Legislative Session

Please be advised that I have scheduled the following recess days for the 1984 Legislative Session:

January 13, 1984
January 27, 1984 thru January 30, 1984
February 17, 1984 thru February 20, 1984
March 16, 1984 thru March 19, 1984
April 4, 1984 (Tentative Recess Day)
April 6, 1984 (Tentative Sine Die Date)

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1983 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Upper Republican	
Terry E. Savage, Imperial	$10,514.50

REPORT

Received contract lease agreement from the State Building Division at Air Park West.

UNANIMOUS CONSENT - Print in Journal

Miss Kilgarin and Mr. Beutler asked unanimous consent to print the following amendment to LB 13 in the Journal. No objections. So ordered.

AM1586

(Amendments to Standing Committee Amendments)

1. Strike original amendments 3, 4, 6, 7, 13, 14, 18, 19, and 20.

2. Insert the following new amendments:

"3. On page 7, line 10, reinstate the stricken matter; and strike lines 14 through 27 and insert:

'(2) Any person serving as a municipal judge in district 3 or 4 on the operative date of this section shall continue to hold such office and shall be empowered to hear only those cases as provided in section 24- 517 which the presiding judge of the county court for such district, with the concurrence of the Supreme Court, shall direct. Any vacancy occurring after the operative date of this section which results in a decrease in the number of municipal court judges authorized immediately prior to the operative date of this section for a city of the primary or metropolitan class shall correspondingly increase the number of county court judges for the county court district in which the municipal court was located.'.

4. On page 8, strike lines 1 through 4; in line 7 after the second comma insert 'violations bureau staff,'; and in line 8 strike the first 'and', after 'constables' insert an underscored comma, and strike '1984' and insert '1985".

5. Insert the following new section:

'Sec. 8. That section 24-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-506. In districts with more than one ~~county~~ judge, the judges shall annually select one of their number as presiding judge, and may establish such departments within the court as they deem necessary for determining particular classes of cases.'.

6. On page 9, line 23, strike '1984' and insert '1985'.

8. On page 11, line 5, strike '1984' and insert '1985, subject to any sale, lease, or other arrangement pursuant to this section'; in line 7 strike '1984' and insert '1985'; in line 12 strike the new matter and reinstate the stricken matter; in line 15 after 'and' insert 'office'; in lines 18 through 20 strike the new matter and insert 'The Supreme Court shall assume and include, as expenses pursuant to section 24- 514, the costs of data processing involved in operation of the county courts and shall provide for necessary security personnel.'; in line 21 after the comma insert 'prior to, on, or'; and in line 22 strike '1984' and insert '1985' and strike 'section 24- 517' and insert 'sections 24- 517 and 26- 116 to 26- 122'.

9. On page 29, line 8, strike '1984' and insert '1985'; in line 12 strike '1984' and insert

'1985'; and in line 14 after the period insert 'Any fees assessed for such causes prior to July 1, 1985, shall be paid and may be assigned to the jurisdiction assessing such fees.'.

15. On page 61, line 5, strike 'existing on or before' and insert ', including intake, service, and cherical positions necessary to probation services, for which personnel are employed on' and strike '1983' and insert '1984'; in line 6 strike '1984' and insert '1985'; in line 14 strike '1983' and insert '1984'; and in line 16 strike '1984' and insert '1985'.

16. On page 63, line 10, strike '1984' and insert '1985'; and in line 18 strike '1989' and insert '1990'.

17. On page 67, line 23, strike '1983' and insert '1984'.

18. On page 68, in lines 5, 11, and 13 strike '1984' and insert '1985'.

22. Strike original section 86 and insert the following new section:

'Sec. 86. That section 84-1332, Revised Statutes Supplement, 1983, be amended to read as follows:

84-1332. (1) Any city or county employee who is a member under a city or county employees' ~~employees~~ retirement system, including retirement systems authorized by section 23-1118, and whose status as a city or county employee is changed by the Legislature to that of a state employee shall, upon application to the Public Employees Retirement Board and to the city or county, or to the county board of a county having a retirement system authorized by section 23-1118, obtain full and immediate vesting in any prior service retirement benefits and any future service retirement benefits which have been accrued to the date of transfer, except that the employee may not withdraw the amount in his or her employee account prior to his or her retirement and still receive such vested benefits. Each employee's service as a city or county employee, after he or she has attained the minimum age required under the State Employees Retirement System and has completed two years of service, shall be credited as though it were participation in the State Employees Retirement System for purposes of calculating the termination benefits established by section 84-1321.

(2) Any city or county employee whose status as a city or county employee is or has been changed by the Legislature to that of a state employee shall be eligible for immediate participation in the State Employees Retirement System with no minimum period of service required if the minimum age requirement of the State Employees Retirement System is satisfied, or if the minimum age requirement is not satisfied on the date of transfer, the employee shall be eligible to participate at the date he or she satisfies the minimum age requirement.'.

23. On page 92, in lines 7 and 9 strike '1984' and insert '1985'; in line 19, after '24-501,' insert '24-506,'; in line 21 strike '24-729,'; and in line 27 strike 'and'.

24. On page 93, line 5, after '1982,' insert 'and section 84-1332, Revised Statutes Supplement, 1983,'.

25. Renumber original sections 8 to 32 as 9 to 33 respectively and renumber the second section 89 as section 90.".

3. On page 2, line 2, after the first comma insert "line 4, strike '1989' and insert '1990'; in"; in line 3, after the second semicolon insert "in line 21, strike '1984' and insert '1985';".

4. On page 3, line 11, after the quotation marks insert ", strike 'county', and after the stricken 'shall' insert 'serving in county court' "; and in line 12 strike "appoint" and insert "may".

5. On page 4, line 3, after the semicolon insert "and"; in line 4 strike "baliff" and insert "bailiff"; and strike beginning with the semicolon in line 7 through the final quotation marks in line 8.

6. Renumber remaining amendments accordingly.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Newell asked unanimous consent to have his name added as co-introducer to LB 150. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 222.

GENERAL FILE

LEGISLATIVE BILL 49. Title read. Considered

Standing Committee amendments, AM0138 found in the Journal on page 427, First Session, were adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Wesely moved to indefinitely postpone LB 49.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wesely pending motion to indefinitely postpone lost with 4 ayes, 28 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 4 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 784. By L. Johnson, 15th District; Schmit, 23rd District; Labedz, 5th District; Higgins, 9th District; Nichol, 48th District, Remmers, 1st District; H. Peterson, 35th District; Jacobson, 33rd District; Rupp, 22nd District; DeCamp, 40th District; Kahle, 37th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to infants; to provide for grandparent visitation rights as prescribed.

LEGISLATIVE BILL 785. By L. Johnson, 15th District; Barrett, 39th District; Remmers, 1st District; H. Peterson, 35th District; Chronister, 18th District, Pappas, 42nd District, Kahle, 37th District; Morehead, 30th District, Labedz, 5th District; Clark, 47th District; Hefner, 19th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-129, Revised Statutes Supplement, 1982; to provide intent; to define terms; to provide for the regulation of prepaid funeral contracts as prescribed; to provide the Director of Insurance with certain powers and duties; to require certain licenses; to provide fees; to provide penalties; to harmonize provisions; to provide severability; to repeal the original section, and also section 71-1343, Reissue Revised

Statutes of Nebraska, 1943, and sections 71-1342 and 71-1344, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 786. By Remmers, 1st District.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend section 28-101, Revised Statutes Supplement, 1982; to prohibit certain acts; to limit probation and suspension of sentence as prescribed; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 787. By Beutler, 28th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-201 and 79-204, Reissue Revised Statutes of Nebraska, 1943; to change age limits relating to compulsory education as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 788. By Warner, 25th District.

A BILL FOR AN ACT relating to elections; to provide intent; to provide duties for election officials; and to provide a Fair Campaign Practices Code as prescribed.

LEGISLATIVE BILL 789. By Warner, 25th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1488, Reissue Revised Statutes of Nebraska, 1943, sections 49-1401 and 49-1403, Revised Statutes Supplement, 1982, and section 49-14,123, Revised Statutes Supplement, 1983; to require certain disclosure statements from lobbyists; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 790. By Warner, 25th District.

A BILL FOR AN ACT relating to the Public Service Commission; to provide powers and duties relating to railroad crossings.

LEGISLATIVE BILL 791. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the sales tax; to amend section 77-2704, Revised Statutes Supplement, 1983; to change provisions relating to exemptions from payment of sales tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 792. By Landis, 46th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-339, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to when a registration fee is required; and to repeal the original section.

LEGISLATIVE BILL 793. By Hefner, 19th District.

A BILL FOR AN ACT relating to unemployment benefits; to amend section 48-627, Revised Statutes Supplement, 1982, and sections 48-624 and 48-669, Revised Statutes Supplement, 1983; to increase the wages an individual must earn to qualify for unemployment benefits; to change the computation of benefits; and to repeal the original sections.

LEGISLATIVE BILL 794. By Kahle, 37th District.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate certain taxes; to create a fund; to provide a method of distribution; to provide duties; to repeal sections 77-27, 142 to 77-27, 148, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 795. By Hannibal, 4th District.

A BILL FOR AN ACT relating to the Documentary Stamp Act; to amend section 76-902, Revised Statutes Supplement, 1983; to provide an exemption as prescribed; and to repeal the original section.

LEGISLATIVE BILL 796. By Hannibal, 4th District.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704, Revised Statutes Supplement, 1983; to provide for an exemption; and to repeal the original section.

LEGISLATIVE BILL 797. By Remmers, 1st District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401 and 49-1403, Revised Statutes Supplement, 1982; to limit the amount of certain contributions to certain candidates as prescribed; to prohibit the acceptance of contributions as prescribed; to provide penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 798. By Sieck, 24th District; Kahle, 37th District; Hefner, 19th District.

A BILL FOR AN ACT relating to health care; to provide intent; to provide duties for the Director of Social Services as prescribed; and to declare an emergency.

LEGISLATIVE BILL 799. By Barrett, 39th District.

A BILL FOR AN ACT relating to corporations; to amend section 21-311, Reissue Revised Statutes of Nebraska, 1943; to provide a time limit for refunds of certain fees; to provide certain duties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 800. By Barrett, 39th District.

A BILL FOR AN ACT relating to the corporations; to provide a definition of paid-up capital stock.

LEGISLATIVE BILL 801. By Barrett, 39th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-333, 44-333.03, 44-339.01, and 44-343, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to licensing of agents and brokers; to provide for a single license for agents and brokers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 802. By Barrett, 39th District.

A BILL FOR AN ACT relating to alien ownership of land; to allow an alien to receive title to certain lands as prescribed.

LEGISLATIVE BILL 803. By Goodrich, 20th District.

A BILL FOR AN ACT relating to juries; to amend sections 25-1628 and 25-1637, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to preparation of proposed juror lists; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 804. By Von Minden, 17th District; Hefner, 19th District.

A BILL FOR AN ACT relating to the Commission on Judicial Qualifications; to amend section 24-721, Revised Statutes Supplement, 1982; to require the commission to provide notice of its decisions to complainants; and to repeal the original section.

LEGISLATIVE BILL 805. By Warner, 25th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to public power; to provide a statement of policy; to authorize certain agreements; to provide powers and duties for the Nebraska Power Review Board; to provide an exemption from certain laws as prescribed; and to provide intent.

RESOLUTION

LEGISLATIVE RESOLUTION 232 CA.

Introduced by Schmit, 23rd District.

A Resolution to propose an amendment to Article VIII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, semi-trailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles, on the condition~~;~~ ~~Provided,~~ that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of ~~said~~ the county on personal tangible property.

The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. The Legislature may enact laws to provide that agricultural land shall, for property tax purposes, constitute a separate and distinct class of property. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to authorize the Legislature to enact laws to provide that agricultural land shall, for property tax purposes, constitute a separate and distinct class of property.
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 168
December 21, 1983

Dear Senator DeCamp:

In your letter of November 29, 1983, you indicate a desire to sponsor legislation relating to members of the Legislature which would require that each member of the Legislature or each person elected to the Legislature prior to assuming that position file with the Clerk of the Legislature a disclosure statement specifically listing all assets and liabilities and business interests of the legislator and the legislator's next of kin.

You ask whether or not, in our opinion, such a proposal would pass constitutional scrutiny. A leading case in this area is the United States Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976). In that case and in subsequent cases, the United States Supreme Court has upheld disclosure requirements, however, in doing so they have made it abundantly clear that participation in political activities is closely protected by the First Amendment to the United States Constitution and that significant encroachments on these First Amendment rights cannot be justified by a mere showing of some legitimate governmental interest, but have required the stated interest to survive exacting scrutiny.

Inasmuch as you are proposing rules of disclosure for members of the Legislature, we call to your attention the provisions of Article III, Section 10 of the Nebraska Constitution which states that the Legislature shall be the sole judge of the qualifications of its members and the provisions of Article III, Section 16 of the Nebraska Constitution which prohibits conflicts of interests by members of the Legislature and provides that the Legislature shall proscribe standards and definitions for determining whether or not conflicts of interest exist. It may be in light of these two specific state constitutional provisions that the Legislature itself can proscribe rules for its own members and persons seeking to be seated as members which might not be constitutionally permitted to be imposed upon persons seeking office generally.

With respect to the members' next of kin, we have reservations about the constitutional validity of requiring disclosure of persons not directly involved in the political process. By this we mean it is one thing to require a member to make a disclosure, even as to his knowledge of the financial affairs of his next of kin, and quite another to require disclosure under penalty of law of persons who, but for their blood or marital relationship to a member of the Legislature, are not directly involved in any way in the political process.

Generally speaking, therefore, we are of the opinion that the Legislature could fashion requirements to be imposed upon its members and those seeking to become members, however, the constitutional validity of these requirements would ultimately depend to a large extent upon the adequacy of the declaration of the Legislature's intent, the specific language utilized, and the breadth of the requirements.

In conclusion, it is difficult for us to say with certainty without seeing the actual proposal whether or not the requirements selected would pass constitutional scrutiny, however, we do believe in a general sense that the Legislature could constitutionally require such a disclosure on the part of its members, if not, perhaps of the members' next of kin.

Sincerely,
PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:jmh
L2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 169
January 3, 1984

RE: Libraries—Effective LB 229

Dear Senator Beutler:

You have asked a number of questions concerning LB 229 which is presently on general file. You state this information will assist you in determining your future efforts with regard to this bill.

You first ask if §29-402.01 (Reissue 1979) makes offenses against libraries criminal offenses and adequately addresses the concerns set forth in Sections 2 through 6 of the bill.

Section 29-402.01 (Reissue 1979) gives immunity to merchants and merchants' employees who have probable cause to believe that goods held for sale have been unlawfully taken by a person and causes such person to be taken into custody. This section does not adequately address libraries or library employees.

In the case of Bishop v. Bockoven, Inc., 199 Neb. 613, the Supreme Court of Nebraska held that the term "a merchant's employee" did not include a merchant's "agent" (in this case a contractual security service). The court held that this statute must be strictly construed. Therefore, it is doubtful that it would apply to a library. However, Section 6 of LB 229 provides a similar protection to a library, its agent or employee. The passage of this provision would remove all doubt.

You next ask whether present provisions of the criminal code such as §§28-511, 28-513, 28-514 and 28-519 which define unlawful taking, theft by deception, theft by mistake, and criminal mischief, adequately address the library's concerns as outlined in LB 229.

Sections 2, 3, and 4 of LB 229 provide specific criminal provisions relating to libraries. These provisions provide that such violations shall be infractions under §§29-431 to 29-438 (Reissue 1979). Infractions are defined under §29-431 as a violation of any law, ordinance, order, rule, or regulation, except traffic offenses, which is not otherwise declared to be a misdemeanor or a felony. Penalties for infractions are provided by §29-436 (Reissue 1979) and provide for a fine of not more than $100 for the first offense with higher fine limits for subsequent offenses, but no provision for jail or imprisonment. In addition, §29-437 (Reissue 1979) takes away the right of trial by jury for persons charged with infractions.

The crimes defined in Chapter 28, Article 5 mentioned above generally cover the same types of acts made criminal by LB 229; however, the Chapter 28, Article 5 crimes are either felonies or misdemeanors, with right of trial by jury, whereas the LB 229 crimes are infractions. Therefore, you may wish to consider whether it would be more likely to obtain enforcement, prosecution and a conviction under the infraction statutes, especially when the amount involved is very small, as opposed to securing a prosecution and conviction under the misdemeanor or felony statutes.

You next ask if Section 7 of LB 229, which provides for the court ordering restitution of property to a library in kind or value, when a person is convicted under Sections 2 to 5 of the act, will cause any problems. This section is in effect a part of the penalty for violations of Sections 2 to 5. It should cause no trouble insofar as standard of proof or other procedural matters are concerned, since it is criminal penalty. However, it conflicts with the limits for penalties for infractions in §29-436, discussed earlier. You may wish to change either Section 7 of LB 299 or §29-436 to achieve the result you seek.

Your concern that a judgement may be entered in favor of a library for less than the full value because a library is not represented at the hearing to offer evidence is a possibility. Such a judgment would probably not bar the library from seeking the balance due, but may make it impractical. We would suggest that a provision be added requiring notice to the library in question to present evidence at the sentencing hearing when the court contemplates restitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 170
January 4, 1984

Re: Neb.Rev.Stat. §60-106(7)

Dear Senator DeCamp:

You have requested an opinion from our office concerning the constitutionality of two proposed amendments to Neb.Rev.Stat. §60-106(7), formerly LB 234 (1983). That section provides in part that:

> (7) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the vehicle is a motorcycle as defined in section 60-301,(b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, or an importer's statement of origin, or (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09.

You indicate in your letter that you intend to remove the exception for motorcycles contained in subparagraph (a), and have asked whether or not there is a constitutional infirmity in requiring these vehicles to be inspected as are other vehicles for which application is made for a certificate of title and for which the previous title is a foreign certificate of title. In our opinion the removal of this exception for motorcycles is constitutionally sound. The general rule of construction is that a statute must be general and uniform throughout the state, and it must operate alike on all persons of a class with reference to relations and circumstances provided for. State Securities Company v. Ley, 177 Neb. 251, 128 N.W.2d 766 (1964). The Nebraska Certificate of Title Act applies to motor vehicles, commercial trailers, semi trailers and cabin trailers required to be registered under the provisions of §§60-301 to 60-306, with certain exceptions. Neb.Rev.Stat. §60-102 (Reissue 1978). Motorcycles are not specifically exempted, and are defined as "motor vehicles" in §60-301(21). Therefore, it is clear that motorcycles are included within the class of those vehicles subject to the title act.

The general purpose of LB 234 of the 1983 Legislative Session was to eliminate or curtail the practice of title washing in the State of Nebraska, as well as to verify odometer mileage readings and the identity of stolen vehicles. Motorcycles are subject to the requirement of odometer certification; they are subject to title abuses; and they are frequently the subject of theft. Given the purpose of the legislation, and the requirement of uniformity, it would appear that these vehicles may constitutionally be required to be inspected pursuant to the proposed amendment.

Your second question involves the continued exception of vehicles registered pursuant to §60-305.09 from the identification inspection required in §60-106(7). We feel that this exception poses different questions, and that this classification does rest upon reasonable distinctions from other subjects of regulation. Section 60-305.09 provides for an alternative method of registration from the general registration provisions contained in §60-301 to §60-344. These vehicles are not registered individually at the county level, but rather an entire fleet of vehicles is registered centrally through the Department of Motor Vehicles. These vehicles are then considered to be validly registered for operation intrastate in Nebraska and interstate commerce in those jurisdictions which are members of the International Registration Plan.

The inspection required under §60-106 includes the verification of the odometer reading on vehicles to be inspected. It should be noted that §60-2301 regarding the requirement for odometer verification specifically exempts gross rated motor vehicles of more than 16,000 pounds. By definition in the International Registration Plan, apportionable vehicles are defined to mean power units having a gross vehicle weight in excess of 26,000 pounds, power units having three or more axles regardless of weight, or combinations of such vehicles in excess of 26,000 pounds gross vehicle weight. Consequently, the majority of vehicles registered under §60-305.09 are already exempted from the odometer requirements contained in §60-2301. The other requirement contained in §60-106(7) is that the vehicle identification number be checked for entry in the National Crime Information Center and the Nebraska Crime Information Service to determine whether or not such vehicle has been reported as stolen. While it is certainly possible that apportioned vehicles may be stolen, it should be remembered that these vehicles are constantly required to produce registration credentials containing their vehicle identification numbers upon demand at the various weigh stations under the supervision of the Nebraska Department of Roads. Additionally, experience in the industry has been that very few power units are stolen. Rather, the bulk of theft has occurred in the cargo which is carried..

Therefore, it would appear that applications for titles to vehicles registered pursuant to §60-305.09 can reasonably and rationally be treated differently than can other applications. Present statutes already exempt a large percentage of these vehicles from the odometer requirement. Furthur, the present statutes require frequent and constant verification of vehicle identification numbers at weigh stations by the Carrier Enforcement Division of the Department of Roads.

> Classification is proper if the special class has some reasonable distinction from other subjects of a like general character, which distinction bears some reasonable relation to the legitimate objectives and purposes of the legislation. The question is always whether the things or persons classified by the act form by themselves a proper and legitimate class with reference to the purpose of the act.

State ex rel. Douglas v. Marsh, Id., consequently, it is our opinion that vehicles registered pursuant to §60-305.09 constitute a valid class of vehicles which can be exempted from the requirements contained in §60-106(7).

Finally, we would agree with your concern that including apportionable vehicles in the inspection requirement could create an impermissible burden on interstate commerce. As indicated previously, these vehicles are registered as fleets. There is no requirement that individual vehicles be operated within the confines of the State of Nebraska. It is quite possible, if not probable, that an application could be made for a Nebraska certificate of title to a vehicle which is located in any one of the various International Registration Plan jurisdictions. Assuming that an owner desired a Nebraska title, he could not obtain such title without an inspection. In turn, he could not secure registration credentials for that vehicle. Consequently, it would be impossible for that vehicle to return to Nebraska to be inspected absent valid registration credentials. Therefore, given the potential burden on interstate commerce and the substantial differences in situation of these vehicles, it is our opinion that the exception proposed is constitutionally valid.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ruth Anne E. Galter
Assistant Attorney General

REG:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 165. Title read. Considered.

Mr. Wesely moved to indefinitely postpone LB 165.

The motion to indefinitely postpone prevailed with 27 ayes, 4 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 165A. Mr Goodrich moved to indefinitely postpone.

The motion to indefinitely postpone prevailed with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Fenger asked unanimous consent to have his name added as co-introducer to LR 228. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 445. Title read. Considered.

Standing Committee amendments, AM0244, found in the Journal on page 485, First Session, were considered.

Mr. Vickers offered the following amendment to the Standing Committee amendments:

Amend the Committee amendment to LB 445; line 14, strike "1984" and insert "1985".

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

The Vickers pending amendment to the Standing Committee amendments was adopted with 24 ayes, 0 nays, 22 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman offered the following amendment:

Remove section one of LB 445.

The Haberman amendment was adopted with 25 ayes, 6 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Vickers requested a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Vickers requested a roll call vote on the advancement of LB 445.

Voting in the affirmative, 23:

Chambers	Chronister	Eret	Goll	Goodrich
Harris	Hefner	Higgins	Hoagland	Johnson, V.
Kilgarin	Labedz	Marsh	McDonald	Morehead
Newell	Pappas	Schmit	Scofield	Vickers
Wagner	Warner	Wesely		

Voting in the negative, 22:

Abboud	Barrett	Beutler	Beyer	Clark

DeCamp Fenger Haberman Hannibal Jacobson
Johnson, L. Johnson, R. Kahle Lamb Landis
Lundy Peterson, H. Peterson, R. Pirsch Remmers
Von Minden Withem

Present and not voting, 2:

Nichol Sieck

Excused and not voting, 2:

Carsten Rupp

Failed to advance to E & R for Review with 23 ayes, 22 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the following report on the referral of legislative bills and resolutions: LB 633-722 and LR 223-LR 228.

LB	**Committee**
633	General File
634	General File
635	General File
636	General File
637	General File
638	General File
639	General File
640	General File
641	General File
642	General File
643	Banking, Commerce and Insurance
644	Education
645	Education
646	Revenue
647	Government, Military & Veterans' Affairs
648	Government, Military & Veterans' Affairs
649	Revenue
650	Judiciary

651	Business and Labor
652	Banking, Commerce and Insurance
653	Nebraska Retirement Systems
654	Public Works
655	Revenue
656	Revenue
657	Judiciary
658	Public Works
659	Government, Military & Veterans' Affairs
660	Revenue
661	Government, Military & Veterans' Affairs
662	Agriculture and Environment
663	Government, Military & Veterans' Affairs
664	Revenue
665	Education
666	Public Health and Welfare
667	Judiciary
668	Education
669	Special Commonwealth Committee
670	Agriculture and Environment
671	Government, Military & Veterans' Affairs
672	Public Works
673	Judiciary
674	Revenue
675	Revenue
676	Public Health and Welfare
677	Public Works
678	Judiciary
679	Government, Military & Veterans' Affairs
680	Constitutional Revision and Recreation
681	Banking, Commerce and Insurance
682	Government, Military & Veterans' Affairs
683	Government, Military & Veterans' Affairs
684	Judiciary
685	Judiciary
686	Urban Affairs
687	Judiciary
688	Public Works
689	Education
690	Judiciary
691	Revenue
692	Banking, Commerce and Insurance
693	Banking, Commerce and Insurance
694	Public Works
695	Judiciary

696	Judiciary
697	Public Works
698	Education
699	Miscellaneous Subjects
700	Government, Military & Veterans' Affairs
701	Revenue
702	Public Works
703	Judiciary
704	Banking, Commerce and Insurance
705	Banking, Commerce and Insurance
706	Revenue
707	Government, Military and Veterans' Affairs
708	Public Health and Welfare
709	Revenue
710	Public Works
711	Public Works
712	Revenue
713	Miscellaneous Subjects
714	Miscellaneous Subjects
715	Public Works
716	Public Health and Welfare
717	Revenue
718	Government, Military and Veterans' Affairs
719	Public Works
720	Government, Military and Veterans' Affairs
721	Education
722	Public Works

LR	**Committee**
223	Constitutional Revision and Recreation
224	Constitutional Revision and Recreation
225	Constitutional Revision and Recreation
226	Constitutional Revision and Recreation
227	Constitutional Revision and Recreation
228	Constitutional Revision and Recreation

ANNOUNCEMENT

Mr. DeCamp announced the Banking, Commerce and Insurance Committee will meet in executive session Monday, January 9, 1983, at noon in Room 1117.

RESOLUTION

LEGISLATIVE RESOLUTION 221. Read. Considered.

Mr. Warner moved to indefinitely postpone LR 221.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Pappas requested a record vote on the Warner pending motion to indefinitely postpone.

Mr. DeCamp requested a roll call vote on the Warner motion.

Voting in the affirmative, 27:

Chambers
Eret
Goll
Goodrich
Hannibal
Harris
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Schmit
Scofield
Sieck
Vickers
Wagner
Warner
Wesely
Withem

Voting in the negative, 17:

Abboud
Beyer
Clark
DeCamp
Fenger
Haberman
Hefner
Jacobson
Johnson, R.
Lamb
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Von Minden

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Barrett
Carsten
Chronister
Rupp

The Warner motion to indefinitely postpone LR 221 prevailed with 27 ayes, 17 nays, 1 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 806. By McDonald, 31st District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-406.04, Revised Statutes Supplement, 1982; to change provisions relating to the issuance and renewal of certain motor vehicle operator's licenses and permits as prescribed; to eliminate two classes of motor vehicle operator's permits; and to repeal the original section.

LEGISLATIVE BILL 807. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Labedz, 5th District; Schmit, 23rd District; Clark, 47th District; Higgins, 9th District; Remmers, 1st District; Beyer, 3rd District.

A BILL FOR AN ACT relating to filing of a security interest; to amend sections 9-401, 9-413, and 9-414, Uniform Commercial Code; to change provisions relating to the place of filing to perfect a security interest in certain collateral; and to repeal the original sections.

LEGISLATIVE BILL 808. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Labedz, 5th District; Clark, 47th District; Remmers, 1st District; Schmit, 23rd District; Higgins, 9th District; Beyer, 3rd District.

A BILL FOR AN ACT relating to secured transactions; to amend sections 52-203, 52-501, 52-701, 52-902, 52-1004, and 52-1102, Reissue Revised Statutes of Nebraska, 1943, section 54-201, Revised Statutes Supplement, 1982, and sections 9-301, 9-312, 9-403, 9-414, and 9-415, Uniform Commercial Code; to change a time for filing; to set a date for implementation of a computer system; to harmonize provisions relating to filing fees; and to repeal the original sections.

LEGISLATIVE BILL 809. By Newell, 13th District.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3501, 77-3521, and 77-3522, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3509.01 to 77-3514, 77-3516, and 77-3529, Revised Statutes Supplement, 1983; to provide an exemption based on actual value as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 810. By DeCamp, 40th District.

A BILL FOR AN ACT relating to solar heating; to amend section 66-1037, Revised Statutes Supplement, 1982, and sections 66-1047 and 66-1055, Revised Statutes Supplement, 1983; to define a term; to change provisions relating to a tax credit; to change a termination date; and to repeal the original sections.

LEGISLATIVE BILL 811. By Schmit, 23rd District.

A BILL FOR AN ACT relating to motor vehicle operators; to amend sections 60-308 and 60-403, Reissue Revised Statutes of Nebraska, 1943, and sections 60-406.04, 60-407, 60-411, and 60-415, Revised Statutes Supplement, 1982; to provide for the furnishing of vehicle registration records; to change provisions relating to the issuance, replacement, and renewal of a motor vehicle operator's license or permit; to harmonize provisions; to eliminate obsolete sections relating to color photographs; to eliminate provisions relating to obtaining a motor vehicle operator's license outside the county of residence; and to repeal the original sections, and also sections 60-405.01, 60-406.05, and 60-406.07, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 812. By Wesely, 26th District.

A BILL FOR AN ACT relating to public power; to amend section 70-1024, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to a power supply plan; to provide duties; to authorize an assessment; and to repeal the original section.

LEGISLATIVE BILL 813. By Newell, 13th District; V. Johnson, 8th District; DeCamp, 40th District; Pirsch, 10th District; Hannibal, 4th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3412, 77-3414, 77-3417, 77-3422 to 77-3424, and 77-3427 to 77-3431, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to political subdivision budget limitations; to define and redefine terms; to change limits on certain budget statements as prescribed; to provide powers and duties; to change a termination date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 814. By Newell, 13th District; DeCamp, 40th District; Kilgarin, 7th District; Morehead, 30th District; Goodrich, 20th District; Labedz, 5th District; Lamb, 43rd District; V. Johnson, 8th District; Withem, 14th District; Remmers, 1st District.

A BILL FOR AN ACT relating to technical community colleges; to amend sections 32-4,101, 32-4,104, 32-512, 79-1254.09, 79-2637, 79-2639 to 79-2641, 79-2643, 79-2644, 79-2650.06, 79-2662, 81-1118.02, 85-195, 85-902, and 85-965, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1254.02 and 79-3002, Revised Statutes Supplement, 1982; to provide intent; to define and redefine terms; to change provisions relating to technical community college areas as prescribed; to create a Board of Governors of the Technical Community College System; to provide powers and duties; to eliminate the power to tax as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 79-2636, 79-2646 to 79-2650, 79-2650.03, 79-2653, and 85-963, Reissue Revised Statutes of Nebraska, 1943, and sections 79-2650.07, 79-2651, and 79-2651.02, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 815. By Newell, 13th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-2201.01, 79-2202, 79-2203, 79-2204, 79-2206, 79-2210, 79-2210.03, and 79-2212, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to educational service units; to change provisions relating to the acquisition of property by educational service units; to change the composition and selection of educational service unit boards as prescribed; to change a tax levy limitation; to harmonize provisions; and to repeal the original sections, and also sections 79-2202.01, 79-2203.02, 79-2203.03, and 79-2204.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 816. By Newell, 13th District.

A BILL FOR AN ACT relating to property taxes; to amend sections 77-204, 77-1613, and 77-1614, Reissue Revised Statutes of Nebraska, 1943; to provide procedures for quarterly payments of property taxes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 817. By Newell, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,142 and 77-27,142.02 to 77-27,143, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain municipalities from collecting sales and use tax as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 818. By Schmit, 23rd District.

A BILL FOR AN ACT relating to water resources; to amend sections 46-229 and 46-294, Revised Statutes Supplement, 1983; to change provisions relating to when an appropriation ceases; to change a condition for approval of transfer of an appropriation; and to repeal the original sections.

LEGISLATIVE BILL 819. By Wesely, 26th District.

A BILL FOR AN ACT relating to elective offices; to limit eligibility for election or reappointment of certain individuals.

LEGISLATIVE BILL 820. By Hefner, 19th District.

A BILL FOR AN ACT relating liquor; to amend section 53-138.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to bond requirements; and to repeal the original section.

LEGISLATIVE BILL 821. By Wesely, 26th District; Higgins, 9th District.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend sections 76-1005, 76-1006, 76-1008, 76-1011, and 76-1012, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the sale of trust property as prescribed; to change provisions relating to notice of default as prescribed; to change provisions relating to the disposition of proceeds; to extend the time period for reinstatement; and to repeal the original sections.

LEGISLATIVE BILL 822. By Wesely, 26th District.

A BILL FOR AN ACT relating to manufactured housing units; to amend sections 71-1555 to 71-1558 and 71-1560 to 71-1568, Reissue Revised Statutes of Nebraska, 1943, and section 71-1559, Revised Statutes Supplement, 1983; to define a term; to rename a term; to change provisions relating to standards adopted by the Department of Health; to provide for fees for the review of certain plans and specifications; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 823. By R. Peterson, 21st District.

A BILL FOR AN ACT to amend section 71-1,103, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to provide for the construction of law relating to the performance of health care services by hospital employees; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 233 CA.

Introduced by Newell, 13th District; DeCamp, 40th District.

A Resolution to propose an amendment to Article VIII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied upon separate and distinct classes of property by valuation uniformly and proportionately upon each class and there shall be classes for land actively used for agriculture, land not used for agriculture, all improvements to real estate, and all other ~~all~~ tangible property and franchises, except that the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, semi-trailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of said county on personal tangible property. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of

Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to establish separate and distinct classes of agricultural land, other land, and improvements for the purpose of taxation.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 234 CA.

By Newell, 13th District.

A Resolution to propose an amendment to Article VIII, section 3, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION: Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 3. The right of redemption from all sales of real estate, for the nonpayment ~~non- payment~~ of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate, for a period of not less than (1) six months, if such real estate is located, in whole or in part, within the legal boundaries of an incorporated city or village, or (2) two years, if such real estate is located completely outside of the legal boundaries of an incorporated city or village, from such sales thereof. Provided, that occupants shall in all cases be served with personal notice before the time of redemption expires.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to limit redemption of real estate sold for nonpayment of taxes or special assessments when such property is located within an incorporated city or village.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LR 223CA	Thursday, January 19	1:30 p.m.
LR 225CA	Thursday, January 19	1:30 p.m.
LR 227CA	Thursday, January 19	1:30 p.m.
LR 224CA	Friday, January 20	1:30 p.m.
LR 226CA	Friday, January 20	1:30 p.m.
LR 228CA	Friday, January 20	1:30 p.m.

(Signed) Bernice Labedz, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 694. No objections. So ordered.

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 695. No objections. So ordered.

VISITORS

Visitors to the Chamber were 42 kindergarten students and teacher from Fredstrom Elementary Highlands, Lincoln.

RECESS

At 12:14 p.m., on a motion by Mr. McDonald, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett and Rupp who were excused; and Messrs. Beutler, Carsten, Chronister, Clark, DeCamp, Haberman, Hoagland, Jacobson, Newell, R. Peterson, Schmit, Sieck, Vickers, Warner, Miss Kilgarin, and Ms. Scofield who were excused until they arrive.

REPORT

Received report from Department of Environmental Control of financial status of Program #518, Construction Grants Program pursuant to Section 81-1533.

Received annual report from Nebraska Workmen's Compensation Court pursuant to Section 48-166, RRS, 1943.

GENERAL FILE

LEGISLATIVE BILL 338. Title read. Considered.

Mr. Von Minden asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved to indefinitely postpone LB 338.

The motion to indefinitely postpone prevailed with 23 ayes, 1 nay, 6 present and not voting, and 19 excused and not voting.

LEGISLATIVE BILL 492. Title read. Considered.

Standing Committee amendment, AM0363, found in the Journal on page 581 for the Twenty-Ninth Day, First Session, was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 333. Title read. Considered.

Standing Committee amendment, AM0376, found in the Journal on page 600 for the Thirtieth Day, First Session, was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 10 present and not voting and 10 excused and not voting.

LEGISLATIVE BILL 368. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 1 nay, 9 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 318. Title read. Considered.

Mr. Chambers moved to indefinitely postpone LB 318.

Miss Kilgarin moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 13 nays, and 8 not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The Chambers pending motion to indefinitely postpone lost with 13 ayes, 20 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Hoagland asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Newell requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Beutler	Beyer	Carsten	DeCamp	Fenger
Goodrich	Hefner	Jacobson	Labedz	Landis
Marsh	Morehead	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Sieck	Vickers
Von Minden	Warner	Wesely	Withem	

Voting in the negative, 21:

Abboud	Chambers	Clark	Eret	Goll
Haberman	Hannibal	Harris	Higgins	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Lamb
Lundy	McDonald	Newell	Schmit	Scofield
Wagner				

Excused and not voting, 4:

Barrett Chronister Hoagland Rupp

Failed to advance to E & R for Review with 24 ayes, 21 nays, and 4 excused and not voting.

The Chair declared the Call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 824. By Schmit, 23rd District.

A BILL FOR AN ACT relating to purchasers of slaughter livestock; to amend sections 54-1805 and 54-1809, Reissue Revised Statutes of Nebraska, 1943; to provide for appointment of a receiver; to prohibit the diversion of accounts receivable; and to repeal the original sections.

LEGISLATIVE BILL 825. By Remmers, 1st District; DeCamp, 40th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-108, 60-109, 60-320.01, 60-343, 60-1404, 60-1406, 60-1407.01, 60-1411.01, 60-1413, 60-1415 to 60-1417, 60-1419, 60-1429, 60-1430, 60-2303, 60-2304, and 60-2307, Reissue Revised Statutes of Nebraska, 1943, sections 60-320, 60-1411.02, 60-1411.03, and 60-1414, Revised Statutes Supplement, 1982, and sections 60-106, 60-115, 60-118, 60-122 to 60-124, 60-130, 60-302, 60-312, 60-1401.02, and 60-1417.01, Revised Statutes Supplement, 1983; to change provisions relating to certificates of title, motor vehicle registration, and the Motor Vehicle Industry Licensing Act as prescribed; to provide the county clerks and the Department of Motor Vehicles with certain duties; to provide for and change certain fees as prescribed; to define and redefine terms; to change provisions relating to certain inspections; to require odometer readings on registration applications as prescribed; to change provisions relating to issuing additional dealer plates as prescribed; to change provisions relating to license and permit requirements of certain people in the business of selling motor vehicles as prescribed; to prohibit certain acts by licensees and manufacturers and distributors of motor vehicles; to provide certain warranty requirements; to provide for liability; to provide auction regulations and requirements as prescribed; to provide for succession to dealership; to harmonize provisions; to provide for the awarding of damages; to change penalties; to provide an addition for the Revisor of Statutes as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 826. By Wesely, 26th District.

A BILL FOR AN ACT relating to the Attorney General; to amend section 84-201.01, Reissue Revised Statutes of Nebraska, 1943; to increase a salary; to prohibit the Attorney General and his or her staff attorneys from participating in the private practice of law as prescribed; and to repeal the original section.

LEGISLATIVE BILL 827. By Morehead, 30th District.

A BILL FOR AN ACT relating to public institutions; to amend sections 83-364 and 83-376, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the payment of care costs for certain patients of public institutions; to provide an operative date; to provide for severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 828. By Hoagland, 6th District; Nichol, 48th District.

A BILL FOR AN ACT relating to accidents; to amend sections 39-6,104.06 and 39-6,104.07, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,104.08, Revised Statutes Supplement, 1982; to change provisions relating to the filing and use of certain accident reports as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 829. By Wesely, 26th District.

A BILL FOR AN ACT relating to labor; to amend section 48-838, Revised Statutes Supplement, 1982; to change provisions relating to collective bargaining as prescribed; to define a term; and to repeal the original section.

LEGISLATIVE BILL 830. By Warner, 25th District.

A BILL FOR AN ACT relating to horse racing; to amend section 2-1208.01, Revised Statutes Supplement, 1982; to change provisions relating to the parimutuel tax; and to repeal the original section.

LEGISLATIVE BILL 831. By Wesely, 26th District.

A BILL FOR AN ACT relating to the oil and gas severance tax; to amend section 57-703, Revised Statutes Supplement, 1983; to change a rate of payment as prescribed; to provide an operative date; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 235CA.

Introduced by Von Minden, 17th District; Hefner, 19th District; Warner, 25th District; Vickers, 38th District.

A Resolution to propose an amendment to Article V, section 30, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY -EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article V, section 30, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 30. (1) A Justice or Judge of the Supreme Court or judge of any court of this state may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in the State of Nebraska, or (f) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or he or she may be retired for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent. Any citizen of the State of Nebraska may request the Commission on Judicial Qualifications to consider the qualifications of any Justice or Judge of the Supreme Court or other judge, and in such event the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, ~~privately~~ reprimand such Justice or Judge of the Supreme Court or other judge or order a formal open hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge. In the alternative or in addition, the commission may request the Supreme Court to appoint one or more special masters who shall be judges of courts of record to hold a formal open hearing to take evidence in any such matter, and to report to the commission. If, after formal open hearing, or after considering the record and report of the masters, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the Supreme Court that the Justice or Judge of the Supreme Court or other judge involved shall be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case may be.

(2) The Supreme Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The Supreme Court shall make such determination as it finds just and proper, and may order the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge, or may wholly reject the recommendation. Upon an order for retirement, the Justice or Judge of the Supreme Court or other judge shall thereby be retired with the same rights and privileges as if he or she had retired pursuant to statute. Upon an order for removal, the Justice or Judge of the Supreme Court or other judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be ineligible for judicial office. Upon an order for suspension, the Justice or Judge of the Supreme Court or other judge shall draw no salary and shall perform no judicial functions during the period of suspension. Suspension shall not create a vacancy in the office of Justice or Judge of the Supreme Court or other judge.

(3) Upon order of the Supreme Court, a Justice or Judge of the Supreme Court or other judge shall be disqualified from acting as a Justice or Judge of the Supreme Court or other judge, without loss of salary, while there is pending (a) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or (b) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement.

(4) In addition to the procedure set forth in subsections (1) and (2) of this section, on recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court (a) shall remove a Justice or Judge of the Supreme Court or other judge from office when in any court in the United States such justice or judge pleads guilty or no contest to a crime punishable as a felony under Nebraska or federal law, and (b) may suspend a Justice or Judge of the Supreme Court or other judge from office without salary when in any court in the United States such justice or judge is found guilty of a crime punishable as a felony under Nebraska or federal law or of any other crime that involves moral turpitude. If his or her conviction is reversed, suspension shall terminate and he or she shall be paid his or her salary for the period of suspension. If he or she is suspended and his or her conviction becomes final the Supreme Court shall remove him or her from office.

(5) All papers filed with and proceedings before the commission or masters appointed by the Supreme Court pursuant to this section prior to a reprimand or ~~any~~ formal open hearing shall be confidential. The filing of papers with and the testimony given before the commission or masters or the Supreme Court shall be deemed a privileged communication. When the Commission on Judicial Qualifications determines that discipline is warranted, whether it be a reprimand or otherwise, in a proceeding in which (a) the subject matter is generally known to the public, (b) there is broad public interest, or (c) confidence in

the administration of justice is threatened due to lack of information concerning the status of the proceedings and requirements of due process, the Commission on Judicial Qualifications shall issue one or more short announcements confirming that a complaint has been filed; stating the subject and nature of the complaint, the discipline recommended or reprimand issued, and the date of the hearing; clarifying the procedural aspects; and defending the right of a judge to a fair hearing. The Supreme Court shall by rule provide for procedure under this section before the commission, the masters, and the Supreme Court.

(6) No Justice or Judge of the Supreme Court or other judge shall participate, as a member of the commission, or as a master, or as a member of the Supreme Court, in any proceedings involving his or her own reprimand, discipline, censure, suspension, removal, or retirement.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to change provisions and procedures relating to disciplinary actions against judges.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 56 in the Journal. No objections. So ordered.

AM1608

(Amendments to Standing Committee Amendments)

1. Strike amendment 1 and renumber the remaining amendments.

Mr. Wesely asked unanimous consent to print the following amendment to LB 218 in the Journal. No objections. So ordered.

AM1616

(Amendments to Standing Committee Amendments)

1. On page 1, line 1, strike "and 3 to" and insert ", 3 to 5, and"; in line 3 strike "Sec. 2." and

insert “Sec. 4.” and after “original” insert “sections 81-2017 and 84-1308, Reissue Revised Statutes of Nebraska, 1943, and”; in line 4 strike “is” and insert “are”; and strike line 5 and insert “2. Renumber remaining sections accordingly.”.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 744. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 189. Title read. Considered.

Standing Committee amendments, AM0365, found in the Journal on page 630 for the Thirty-First Day, First Session, were considered.

Mr. V. Johnson offered the following amendment to the Standing Committee amendments:
AM1615

1. On page 3, strike beginning with “if” in line 15 through “indigency” in line 16; and strike beginning with “except” in line 18 through “suspicion” in line 20.

The V. Johnson amendment to the Standing Committee amendments was adopted with 12 ayes, 0 nays, 33 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 832. By McDonald, 31st District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-817, Revised Statutes Supplement, 1982, and section 48-813, Revised Statutes Supplement, 1983; to change provisions relating to hearings and findings as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 833. By Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; V. Johnson, 8th District; Landis, 46th District; Lundy, 36th District; Pappas, 42nd District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1301, 77-1301.07, and 77-1330, Reissue Revised Stautes of Nebraska, 1943; to change provisions relating to assessment of certain property; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 834. By Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; V. Johnson, 8th District; Landis, 46th District; Lundy, 36th District; Pappas, 42nd District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1802, 77-1807 to 77-1809, 77-1820, 77-1823, 77-1825, 77-1830, 77-1833, 77-1837, 77-1856, and 77-1902, Reissue Revised Statutes of Nebraska, 1943; to provide for the sale of whole properties at delinquent tax sales; to allow counties to issue certificates of purchase as described; to eliminate certain fees; to change time periods when purchasers may obtain tax deeds; and to repeal the original sections.

LEGISLATIVE BILL 835. By Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; V. Johnson, 8th District; Landis, 46th District; Lundy, 36th District; Pappas, 42nd District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.01, 77-412, 77-427, 77-1318, 77-1320.04, 77-1320.05, 77-1503.01, 77-1504, 77-1506, 77-1506.02, and 77-1719.01, Reissue Revised Statutes of Nebraska, 1943, section 23-927.01, Revised Statutes Supplement, 1982, and section 77-802, Revised Statutes Supplement, 1983; to change a deadline for property valuations; to change provisions relating to property tax exemptions; to change provisions relating to certain tax penalties; to change provisions relating to assessment of certain taxes; to prohibit the county board from certain actions; to repeal the original sections, and also sections 77-1233.01 and 77-1318.02, Reissue Revised Statutes of Nebraska, 1943.

RESOLUTION

LEGISLATIVE RESOLUTION 236CA.

Introduced by Newell, 13th District.

A Resolution to propose an amendment to Article III, section 7, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; PROVIDED, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. On January 1, 1990, and every ten years thereafter, the Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, and Tax Commissioner shall meet and hold a public hearing for the purpose of setting the compensation and allowable expenses of the members of the Legislature. ~~Each member of the Legislature shall receive a salary of not to exceed four hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature.~~ Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to have the salaries and expenses of the members of the Legislature set every ten years by the State Board of Equalization and Assessment.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 275 in the Journal. No objections. So ordered.

AM1614

1. On page 2, lines 1 and 13, strike “this act” and insert “the Building Construction Act”; in line 4 strike “in” and insert “within”; and in line 24 after the second comma insert “Chapters 1, 4 through 54, and 60,”.

2. On page 3, line 2, after the comma insert “Parts I, II, III, and VII,”; in line 8 strike “this act” and insert “the Building Construction Act”; and in line 10 strike beginning with “subdivisions” through “(2)” and insert “subsection (1)”.

3. Strike sections 4 to 9 and insert the following new sections:

“Sec. 4. The state building code shall be the preferred building and construction code throughout the state and shall be applicable:

(1) To all buildings and structures owned by the state or any state agency; and

(2) In each political subdivision which adopts the state building code.

Sec. 5. All state agencies shall comply generally with the state building code. No state agency may adopt, promulgate, or enforce any rule or regulation in conflict with the state building code, unless otherwise specifically authorized by statute.

Sec. 6. After the effective date of this act, no political subdivision shall enact any ordinance, rule, or regulation which adopts a building or construction code other than the state building code. Any political subdivision may:

(1) Elect to administer and enforce the state building code pursuant to the Building Construction Act and sections 14-415, 15-905, 18-132, 19-922, 23-172, and 81-502;

(2) Elect not to administer any building or construction code;

(3) Continue to administer and enforce a building or construction code other than the state building code until the political subdivision has completed all local procedures necessary for the adoption of the state building code subject to the Building Construction Act; or

(4) Adopt only the One and Two Family Dwelling Code referred to in section 3 of this act as the local building code.

A political subdivision which has adopted, prior to the effective date of this act, an edition of a model building code published after January 1, 1981, by the Building Officials and Code Administrators International, the Southern Building Code Congress, the International Conference of Building Officials, or the Council of American Building Officials shall be exempt from the Building Construction Act as long as such political subdivision continues to administer and enforce such code and regularly updates the code.

Sec. 7. Any political subdivision may enact or enforce any ordinance, rule, or regulation amending the state building code if the amendment:

(1) Conforms generally with the state building code;

(2) Adopts a special or differing building standard to address special local conditions within its jurisdiction; or

(3) Adopts any supplement, new edition, or appendix of the Uniform Building Code or the One and Two Family Dwelling Code referred to in section 3 of this act.

Political subdivisions may adopt and promulgate amendments for the proper administration and enforcement of the state building code including organization of enforcement, qualification of staff members, examination of plans, inspections, appeals, permits, and fees. Any amendment adopted pursuant to this section shall be published separately from the state building code.".

4. Renumber original sections 10 and 11 as sections 8 and 9 respectively.

ADJOURNMENT

At 3:46 p.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Friday, January 6, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 6, 1984

LEGISLATIVE JOURNAL

THIRD DAY - JANUARY 6, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 6, 1984

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Carsten, Chambers, DeCamp, Haberman, Hoagland, V. Johnson, Newell, Rupp, Schmit, Sieck, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Second Day was approved.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 807. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 808. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 229.

RESOLUTIONS

LEGISLATIVE RESOLUTION 230. Read. Considered.

LR 230 was adopted with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 231. Read. Considered.

LR 231 was adopted with 32 ayes, 0 nays, and 17 not voting.

NOTICE OF COMMITTEE HEARINGS
Government, Military & Veterans Affairs

LB 720	Thursday, January 19, 1984	1:30 p.m.
LB 648	Thursday, January 19, 1984	1:30 p.m.
LB 682	Thursday, January 19, 1984	1:30 p.m.
LB 663	Thursday, January 19, 1984	1:30 p.m.
LB 700	Friday, January 20, 1984	1:30 p.m.
LB 718	Friday, January 20, 1984	1:30 p.m.
LB 671	Friday, January 20, 1984	1:30 p.m.
LB 659	Thursday, January 26, 1984	1:30 p.m.
LB 707	Thursday, January 26, 1984	1:30 p.m.
LB 647	Thursday, January 26, 1984	1:30 p.m.
LB 679	Thursday, January 26, 1984	1:30 p.m.
LB 683	Thursday, January 26, 1984	1:30 p.m.
LB 661	Thursday, February 2, 1984	1:30 p.m.

(Signed) David Landis, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 836. By Abboud, 12th District.

A BILL FOR AN ACT relating to political contributions; to amend sections 49-1401 and 49-1403, Revised Statutes Supplement, 1982; to provide contribution limitations on certain contributors; to harmonize provisions; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 837. By Lundy, 36th District.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-304 and 18-1507, Reissue Revised Statutes of Nebraska, 1943; to provide the length of a term for members on certain zoning boards; to prohibit the acquisition of certain airports; and to repeal the original sections.

LEGISLATIVE BILL 838. By Performance Review & Audit Committee: Warner, 25th District, Chairman; H. Peterson, 35th District; Morehead, 30th District; L. Johnson, 15th District; Wagner, 41st District; Kahle, 37th District.

A BILL FOR AN ACT relating to building maintenance; to amend sections 81-186, 81-189, 81-191, and 81-191.01, Revised Statutes Supplement, 1982; to extend certain provisions relating to building maintenance; to provide for continuation of a committee; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 839. By the Performance Review & Audit Committee: Warner, 25th District, Chairman; L. Johnson, 15th District; Morehead, 30th District, Marsh, 29th District, H. Peterson, 35th District; Kahle, 37th District; Goodrich, 20th District; Wagner, 41st District; Kilgarin, 7th District; and at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Social Services; to amend section 68-1017, Reissue Revised Statutes of Nebraska, 1943; to change criminal provisions relating to obtaining assistance; to create offenses relating to assistance payments, food stamps, and authorization cards; to provide penalties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 840. By the Appropriations Committee: Warner, 25th District, Chairman; Marsh, 29th District; H. Peterson, 35th District; Morehead, 30th District; L. Johnson, 15th District; Kilgarin, 7th District; Wagner, 41st District; Kahle, 37th District.

A BILL FOR AN ACT relating to the Board of Examiners in Audiology and Speech Pathology; to amend sections 71-1,186, 71-1,187, and 71-1,193, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to redefine a term; to provide for continuing education as prescribed; to eliminate a waiver of certain education requirements as prescribed; to eliminate a termination date; to provide an operative date; to repeal the original sections, and also sections 71-1,195 and 71-1,197, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 841. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; L. Johnson, 15th

District; Kilgarin, 7th District; Marsh, 29th District; H. Peterson, 35th District; Morehead, 30th District; Goodrich, 20th District; Wagner, 41st District.

A BILL FOR AN ACT relating to the State Electrical Division; to amend sections 81-2118 and 81-2135, Revised Statutes Supplement, 1982; to change certain fees; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 842. By Kilgarin, 7th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-769 and 44-778 to 44-781, Revised Statutes Supplement, 1982; to redefine a term; to change policy requirements; to change provisions relating to benefits; to provide an operative date; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 63. Title read. Considered.

Standing Committee amendment, AM0518, found in the Journal on page 718 for the Thirty-Sixth Day, First Session, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. DeCamp moved to indefinitely postpone LB 63.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. Landis requested a record vote on the DeCamp motion to indefinitely postpone.

Voting in the affirmative, 28:

Abboud	Barrett	Beyer	Chronister	Clark
DeCamp	Eret	Fenger	Goll	Hefner
Jacobson	Johnson, L.	Johnson, R.	Kahle	Lamb
Lundy	Morehead	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Von Minden	Wagner	Warner		

Voting in the negative, 13:

Beutler Goodrich Hannibal Harris Hoagland
Johnson, V. Landis Marsh McDonald Newell
Vickers Wesely Withem

Present and not voting, 5:

Haberman Higgins Kilgarin Labedz Chambers

Excused and not voting, 3:

Carsten Scofield Sieck

The DeCamp motion to indefinitely postpone prevailed with 28 ayes, 13 nays, 5 present and not voting, and 3 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 275. Title read. Considered.

Mr. Wesely renewed his pending amendment, AM1614, found in the Journal on page 231.

MR. HEFNER PRESIDING

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nays, and 20 not voting.

Messrs. Haberman and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Beutler Chambers Eret Goodrich Hannibal
Harris Higgins Hoagland Johnson, V. Kilgarin
Labedz Landis Marsh McDonald Morehead
Newell Pirsch Rupp Vickers Warner
Wesely Withem

Voting in the negative, 19:

Barrett Chronister Clark Fenger Goll
Haberman Hefner Jacobson Johnson, L. Johnson, R.
Kahle Lamb Lundy Peterson, H. Peterson, R.
Remmers Scofield Von Minden Wagner

Present and not voting, 2:

Beyer Nichol

Absent and not voting, 2:

DeCamp Schmit

Excused and not voting, 4:

Abboud Carsten Pappas Sieck

The Wesely amendment lost with 22 ayes, 19 nays, 2 present and not voting, 2 absent and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on the motion to indefinitely postpone LB 63.

(Signed) Rex Haberman

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LB 838. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 843. By Morehead, 30th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to public employees; to amend section 84-1501, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the size and composition of the Public Employees Retirement Board; and to repeal the original section.

LEGISLATIVE BILL 844. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 79-601, 79-601.01, and 79-605, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change certain provisions relating to the school boards of Class I districts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 845. By Judiciary Committee: Beutler, 28th District, Chairperson; Chronister, 18th District; Jacobson, 33rd District; R. Johnson, 34th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to infants; to provide for genetic testing in paternity actions as prescribed; to provide procedures; to provide intent; to define terms; to authorize the use of income tax refunds to pay child support; to amend sections 13-116, 42-360, and 42-924, Reissue Revised Statutes of Nebraska, 1943, and sections 42-357, 42-358.02, 42-364.06, 42-364.13, 43-512.01, and 43-512.02, Revised Statutes Supplement, 1983; to change a provision relating to delinquent support payments; to change provisions relating to court orders for support as prescribed; to change a provision relating to reconciliation; to change a provision relating to a dissolution decree; to change provisions relating to temporary restraining orders as prescribed; to change a provision relating to the duty of the county attorney to take action; to provide for fees; to change a penalty; to eliminate provisions relating to certain paternity complaint procedures as prescribed; to eliminate provisions relating to conciliation court; and to repeal the original sections, and also sections 13-113, 13-114, 42-801 to 42-820, 42-822, and 42-823, Reissue Revised Statutes of Nebraska, 1943, and section 42-821, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 846. By Judiciary Committee: Beutler, 28th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Chronister, 18th District; Pirsch, 10th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-703, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to incest; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 847. By Judiciary Committee: Beutler, 28th District, Chairperson; Abboud, 12th District; Chronister, 18th District; R. Johnson, 34th District; Pirsch, 10th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-254, 43-258, 43-284, 43-286, 43-290, and 43-2,101, Revised Statutes Supplement, 1982; to change provisions relating to the payment of certain costs for juveniles; to require parental payments for certain expenses; and to repeal the original sections.

LEGISLATIVE BILL 848. By Judiciary Committee: Beutler, 28th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Chronister, 18th District; Jacobson, 33rd District; R. Johnson, 34th District; Pirsch, 10th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to the Nebraska Supreme Court; to amend section 24-212, Reissue Revised Statutes of Nebraska, 1943, and section 24-209, Revised Statutes Supplement, 1983; to change provisions relating to publication and dissemination of court opinions; to create a fund; to provide powers and duties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 849. By Judiciary Committee: Beutler, 28th District, Chairperson; Abboud, 12th District; Chronister, 18th District; R. Johnson, 34th District; Pirsch, 10th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to cities and villages; to amend sections 15-263, 16-246, 17-207, and 17-505, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to fines and imprisonment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 850. By Withem, 14th District.

A BILL FOR AN ACT relating to school lands and funds; to amend section 72-201, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the Board of Educational Lands and Funds as prescribed; and to repeal the original section.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 723 - 816.

LB	**Committee**
723	Public Health and Welfare
724	Public Health and Welfare
725	Government, Military and Veterans' Affairs
726	Public Works
727	Public Works
728	Revenue
729	Public Works
730	Public Works
731	Revenue
732	Revenue
733	Public Works
734	Urban Affairs
735	Urban Affairs
736	Banking, Commerce and Insurance
737	Revenue
738	Business and Labor
739	Business and Labor
740	Education
741	Miscellaneous Subjects
742	Agriculture and Environment
743	Public Works
744	Miscellaneous Subjects
745	Business and Labor
746	Business and Labor
747	Business and Labor
748	Urban Affairs
749	Education
750	Nebraska Retirement Systems
751	Nebraska Retirement Systems
752	Nebraska Retirement Systems
753	Revenue
754	Banking, Commerce and Insurance
755	Miscellaneous Subjects
756	Public Works
757	Judiciary
758	Revenue
759	Banking, Commerce and Insurance
760	Public Works
761	Public Health and Welfare
762	Administrative Rules and Regulations
763	Public Health and Welfare
764	Education
765	Business and Labor

766	Public Works
767	Agriculture and Environment
768	Education
769	Revenue
770	Revenue
771	Miscellaneous Subjects
772	Appropriations
773	Judiciary
774	Banking, Commerce and Insurance
775	Public Health and Welfare
776	Business and Labor
777	Banking, Commerce and Insurance
778	Public Health and Welfare
779	Agriculture and Environment
780	Public Health and Welfare
781	Education
782	Urban Affairs
783	Public Health and Welfare
784	Judiciary
785	Banking, Commerce and Insurance
786	Judiciary
787	Education
788	Miscellaneous Subjects
789	Miscellaneous Subjects
790	Public Works
791	Revenue
792	Public Works
793	Business and Labor
794	Revenue
795	Revenue
796	Revenue
797	Miscellaneous Subjects
798	Public Health and Welfare
799	Revenue
800	Revenue
801	Banking, Commerce and Insurance
802	Judiciary
803	Judiciary
804	Judiciary
805	Public Works
LR 232	Constitutional Revision and Recreation
806	Public Works
807	Banking, Commerce and Insurance
808	Banking, Commerce and Insurance
809	Revenue

810	Banking, Commerce and Insurance
811	Public Works
812	Public Works
813	Revenue
814	Education
815	Education
816	Revenue

(Signed) Vard Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 275. Considered.

Mr. Fenger asked unanimous consent to withdraw his pending amendment, AM1585, found in the Journal on page 186. No objections. So ordered.

Mr. Fenger moved to indefinitely postpone LB 275.

Laid over.

LEGISLATIVE BILL 9. Title read. Considered.

Mr. Vickers offered the following amendment:
to amend LB 9, on page 2 line 12, strike "1983" and insert "1984"

The Vickers amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 12 present and not voting and 5 excused and not voting.

LEGISLATIVE BILL 216. Title read. Considered.

Mr. Wesely offered the following amendment:
AM0897

1. Strike original section 1 and insert the following new section:

"Section 1. That section 23-2301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2301. As used in sections 23-2301 to 23-2331, unless the context otherwise requires:

(1) Employees shall mean all persons or officers who are employed by a county of the State of

Nebraska devoting twenty or more hours per week to such employment, all elected officers of a county, and such other persons or officers as are classified from time to time as permanent employees by the county board of the county by whom they are employed, except that the term shall not include judges, persons making contributions to the School Retirement System of the State of Nebraska, or nonelected employees and nonelected officials of any county having a population in excess of one hundred ~~fifty~~ thousand inhabitants;

(2) Retirement shall mean qualifying for and accepting a retirement allowance granted under the provisions of sections 23-2301 to 23-2331;

(3) Retirement board or board shall mean the Public Employees Retirement Board;

(4) Retirement system shall mean the Retirement System for Nebraska Counties;

(5) Required contribution shall mean the deduction to be made from the salary of employees, as provided in sections 23-2301 to 23-2331;

(6) Service shall mean the actual total length of employment as an employee and shall include leave of absence because of disability or military service when properly authorized by the retirement board; PROVIDED, that service shall not include any period of disability for which disability retirement benefits are received under the provisions of section 23-2315;

(7) Straight life annuity shall mean an ordinary annuity, payable for the life of the primary annuitant only, and terminating at his or her death without refund or death benefit of any kind;

(8) Date of adoption of the retirement system by each county shall mean the first day of the month next following the date of approval of the retirement system by the county board;

(9) Prior service shall mean service prior to the date of adoption of the retirement system;

(10) Future service shall mean service following the date of adoption of the retirement system;

(11) Group annuity contract shall mean the contract issued by a life insurance company to the retirement system in order to provide the future service benefits described in sections 23-2301 to 23-2331;

(12) Carrier shall mean the life insurance company or trust company designated by the retirement

board as the underwriter or trustee of the retirement system;

(13) Regular interest shall mean the rate of interest earned each calendar year commencing January 1, 1975, as determined by the retirement board in conformity with actual and expected earnings on its investments;

(14) Disability shall mean an inability to engage in a substantially gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or be of a long and indefinite duration; and

(15) Date of disability shall mean the date on which a member is determined by the board to be disabled.".

2. On page 4, line 4, strike "section" and insert "sections 23-2301 and"; and strike beginning with "and" in line 5 through the second comma in line 6.

The amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Wesely offered the following amendment:
AM0994

1. Insert the following new section:

"Sec. 3. That section 23-2319, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2319. (1) Any member of the retirement system who ceases to be an employee before his or her sixtieth birthday may, upon application, receive from the carrier (a) a termination benefit equal to the amount of his or her employee account payable in a lump sum plus a paid-up deferred annuity provided by the vested portion of the employer account under which the first annuity payment shall be made as of the first of the month immediately following the sixty-fifth birthday or (b) a paid-up deferred annuity provided by the employee account and the vested portion of the employer account under which the first annuity payment shall be made as of the first of the month immediately following the sixty-fifth birthday. If the terminating member does not make such application, he or she shall receive the benefits provided under subdivision (1)(b) of this section. ~~to withdraw the amount in his employee account, he shall be granted, in lieu thereof, a paid-up~~

~~deferred annuity under which the first annuity payment shall be made as of the first of the month immediately following his sixty- fifth birthday.~~

(2) At the option of the terminating member, any paid- up deferred annuity provided under subsection (1) of this section ~~such annuity~~ may commence as of the first of the month at any time after such member attains the age of sixty and before his or her sixty-fifth birthday. Such election by the terminating member may be made at any time prior to the commencement of the annuity payments. Such paid-up deferred annuity shall be the actuarial equivalent, as determined by the group annuity contract, of the employee account together with ~~a certain~~ the vested percentage of the employer account. ~~If the terminating member has been a member of the system for less than five years, such percentage shall be nil; if the terminating member has been a member of the system for at least five years, such percentage shall be twice the number of completed months, not counting the first sixty, that the terminating member has been a member of the system, but in no event shall such percentage exceed one hundred. Such percentage shall be one hundred for any disability retirement under the provisions of section 23- 2315.~~

(3) The vesting percentage shall be one hundred after four years of participation. The vesting percentage shall equal one hundred for any disability retirement under the provisions of section 23- 2315.

(4) If the terminating member shall not be credited with one hundred per cent of his or her employer account, the remainder shall be paid by the carrier to the county by whom the terminating member was employed.".

2. On page 4, line 4, strike "section" and insert "sections" and after "23-2306" insert "and 23-2319".

3. Renumber original section 3 as section 4.

The amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 14. Title read. Considered.

Miss Kilgarin offered the following amendment:
On page 5, line 27, strike "1983" and insert "1984".

The Kilgarin amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Beyer
Chambers
Chronister
Eret
Goodrich
Hannibal
Harris
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Newell
Pappas
Pirsch
Remmers
Rupp
Schmit
Scofield
Vickers
Wagner
Wesely
Withem

Voting in the negative, 15:

Abboud
Barrett
Clark
DeCamp
Fenger
Goll
Haberman
Hefner
Jacobson
Johnson, L.
Johnson, R.
Peterson, H.
Peterson, R.
Von Minden
Warner

Present and not voting, 3:

Beutler
Morehead
Nichol

Excused and not voting, 3:

Carsten
Lamb
Sieck

Advanced to E & R for Review with 28 ayes, 15 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 373. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 377. Title read. Considered.

Messrs. Haberman, Fenger, Pappas, R. Johnson, and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendment, AM0561, found in the Journal on page 775 for the Thirty-Eighth Day, First Session, was adopted with 25 ayes, 8 nays, 8 present and not voting, and 8 excused and not voting.

Messrs. Jacobson, Schmit, and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Higgins moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mrs. Higgins requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Barrett Beutler Beyer Chronister Eret
Goll Hannibal Harris Higgins Hoagland
Johnson, V. Kilgarin Labedz Landis Lundy
McDonald Morehead Newell Pirsch Remmers
Scofield Vickers Wagner Warner Wesely

Voting in the negative, 2:

Goodrich Von Minden

Present and not voting, 10:

Abboud Chambers Hefner Johnson, L. Kahle
Marsh Nichol Peterson, H. Peterson, R. Rupp

Excused and not voting, 12:

Carsten Clark DeCamp Fenger Haberman
Jacobson Johnson, R. Lamb Pappas Schmit
Sieck Withem

Advanced to E & R for Review with 25 ayes, 2 nays, 10 present and not voting, and 12 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 851. By Business and Labor Committee: Barrett, 39th District, Chairperson; Eret, 32nd District; Goll, 16th District; Labedz, 5th District; McDonald, 31st District; R. Peterson, 21st District; Wesely, 26th District.

A BILL FOR AN ACT to adopt the Nebraska Job Training Act.

LEGISLATIVE BILL 852. By Hefner, 19th District.

A BILL FOR AN ACT relating to drainage; to amend section 31-201, Reissue Revised Statutes of Nebraska, 1943; to change a landowner's liability for damage resulting from drainage; to require notice; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 853. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Department of Roads; to authorize the acquisition of certain property and related interests as prescribed.

LEGISLATIVE BILL 854. By Hoagland, 6th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-519, Revised Statutes Supplement, 1982; to provide intent; to change certain provisions relating to criminal mischief; and to repeal the original section.

LEGISLATIVE BILL 855. By Pappas, 42nd District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 81-2014 and 81-2025, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change provisions relating to mandatory retirement; and to repeal the original section.

LEGISLATIVE BILL 856. By Beutler, 28th District.

A BILL FOR AN ACT relating to courts; to amend sections 24-532 and 29-424, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to fees and costs; and to repeal the original sections.

LEGISLATIVE BILL 857. By Newell, 13th District.

A BILL FOR AN ACT relating to education; to amend sections 85-917 and 85-974, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to provide powers and duties to the Nebraska Coordinating Commission for Postsecondary Education as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 858. By Newell, 13th District.

A BILL FOR AN ACT relating to education; and to provide duties for the Education Committee of the Legislature and the Nebraska Coordinating Commission for Postsecondary Education.

LEGISLATIVE BILL 859. By Newell, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 32-4,101, 32-4,104, 32-512, 77-204, 77-1613, 77-1614, 77-3412, 77-3414, 77-3417, 77-3422 to 77-3424, 77-3427 to 77-3431, 77-3501, 77-3521, 77-3522, 79-411, 79-426.23, 79-426.25, 79-426.26, 79-451, 79-701, 79-1107, 79-1254.09, 79-1334, 79-2201.01, 79-2202, 79-2203, 79-2204, 79-2206, 79-2210, 79-2210.03, 79-2212, 79-2637, 79-2639, 79-2640, 79-2641, 79-2643, 79-2644, 79-2650.06, 79-2662, 81-1118.02, 85-195, 85-902, and 85-965, Reissue Revised Statutes of Nebraska, 1943, sections 79-1254.02, 79-1332.01, and 79-3002, Revised Statutes Supplement, 1982, and sections 77-3509.01, 77-3509.02, 77-3510, 77-3511, 77-3512, 77-3513, 77-3514, 77-3516, and 77-3529, Revised Statutes Supplement, 1983; to provide procedures for quarterly payments of property tax; to change provisions relating to political subdivision budget limitations; to change limits on certain budget statements; to provide powers and duties; to change a termination date; to provide a homestead exemption based on actual value as prescribed; to provide duties for the state and county committees for the reorganization of school districts; to provide for the merger of certain Class I school districts; to change provisions relating to educational service units as prescribed; to change provisions relating to the acquisition of certain property; to provide intent; to define and redefine terms; to change provisions relating to technical community college areas as prescribed; to create a Board of Governors of the Technical Community College system; to eliminate the power to tax as prescribed; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections, and also sections 79-403.01 to 79-403.04, 79-407, 79-478 to 79-485, 79-2202.01, 79-2203.02, 79-2203.03, 79-2204.01, 79-2636, 79-2646 to 79-2650, 79-2650.03, 79-2653, and 85-963, Reissue Revised Statutes of Nebraska, 1943, and sections 79-403, 79-406, 79-2650.07, 79-2651, and 79-2651.02, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 860. By Hoagland, 6th District.

A BILL FOR AN ACT relating to funeral directors and undertakers; to amend section 71-1342, Revised Statutes Supplement, 1982, to provide an exception to prepaid funeral agreement requirements; and to repeal the original section.

LEGISLATIVE BILL 861. By Morehead, 30th District; Wagner, 41st District; Warner, 25th District; Kahle, 37th District; Schmit, 23rd District; Hefner, 19th District; Marsh, 29th District; DeCamp, 40th District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3202, 39-612, 39-663, and 39-712.01, Reissue Revised Statutes of Nebraska, 1943, and section 39-602, Revised Statutes Supplement, 1983; to authorize designation and regulation of recreation areas; to provide powers and duties; to provide penalties; to provide for enforcement; to authorize easements; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 862. By Lundy, 36th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Supplement, 1983; to change the tax rate on certain packages of cigarettes; to modify the disposition of proceeds as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 863. By Warner, 25th District.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Governor to convey a specific permanent easement to the city of Lincoln; and to declare an emergency.

LEGISLATIVE BILL 864. By DeCamp, 40th District.

A BILL FOR AN ACT relating to construction projects; to create a commission; to provide duties; to create a fund; and to provide appropriations.

LEGISLATIVE BILL 865. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1982; to define the crime of larceny of cable television services; to provide a penalty; to provide for prima facie evidence; and to repeal the original section.

LEGISLATIVE BILL 866. By Eret, 32nd District; Clark, 47th District.

A BILL FOR AN ACT relating to vehicles; to amend sections 60-403.07, 66-605, 66-616, 66-618, 66-620, 66-631, 66-636, and 66-639, Reissue Revised Statutes of Nebraska, 1943, sections 60-403.06 and 66-607, Revised Statutes Supplement, 1982, and sections 60-301, 60-302, 60-330, 66-601, 66-602, 66-606, 66-606.01, 66-619, and 66-624, Revised Statutes Supplement, 1983; to define and redefine terms; to require a license plate sticker; to change registration fees for certain farm trucks; to change provisions relating to class C and class CC operators' licenses; to change provisions relating to special fuels; to eliminate certain provisions relating to the use of special fuels; to harmonize provisions; to repeal the original sections, and also sections 66-641 to 66-649, Revised Statutes Supplement, 1983; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 676	Monday, January 16, 1984	1:30 p.m.
LB 716	Monday, January 16, 1984	1:30 p.m.
LB 775	Monday, January 16, 1984	1:30 p.m.
LB 723	Tuesday, January 17, 1984	1:30 p.m.
LB 763	Tuesday, January 17, 1984	1:30 p.m.
LB 666	Tuesday, January 17, 1984	1:30 p.m.

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM1617

1. On page 2, line 5, strike "or" and insert a comma, and after "hospitalized," insert "or is deceased,"; in line 6 after "injury" insert "or death"; in lines 8, 10, 13, and 16 after "patient" insert "or the kindred of a fatally injured person"; and in lines 18 and 19 strike "party" and insert "patient or the kindred of a fatally injured person".

MOTION - Reconsider LB 165 and 165A

Mr. Hoagland moved to reconsider the motion to indefinitely postpone

LB 165 and 165A.

Laid over.

ANNOUNCEMENTS

Mr. V. Johnson announced the Executive Board also reappointed the present members of the Building Maintenance Committee, Senators Kahle, H. Peterson, L. Johnson, and D. Wagner, Chairman, pursuant to Neb. Rev. Stat. 81-185.

Mr. Wagner announced the Building Maintenance Committee elected Mr. Kahle as Vice Chairperson.

VISITOR

Visitor to the Chamber was Miss Kilgarin's father, Mr. Kilgarin.

RECESS

At 12:40 p.m., on a motion by Mr. Hannibal, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hoagland, Jacobson, Lamb, R. Peterson, Rupp, Schmit, Sieck, and Mrs. Pirsch who were excused until they arrive.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 692	Monday, January 16, 1984	1:30 p.m.
LB 681	Monday, January 16, 1984	1:30 p.m.
LB 652	Monday, January 16, 1984	1:30 p.m.
LB 693	Monday, January 16, 1984	1:30 p.m.
LB 759	Monday, January 16, 1984	1:30 p.m.
LB 807	Monday, January 16, 1984	1:30 p.m.
LB 808	Monday, January 16, 1984	1:30 p.m.
LB 801	Monday, January 16, 1984	1:30 p.m.
LB 704	Monday, January 16, 1984	1:30 p.m.

LB 643	Tuesday, January 17, 1984	1:30 p.m.
LB 705	Tuesday, January 17, 1984	1:30 p.m.
LB 754	Tuesday, January 17, 1984	1:30 p.m.
LB 774	Tuesday, January 17, 1984	1:30 p.m.
LB 777	Tuesday, January 17, 1984	1:30 p.m.
LB 810	Tuesday, January 17, 1984	1:30 p.m.

(Signed) John DeCamp, Chairperson

MOTION - Escort Governor

Mr. Lundy moved that a committee of five be appointed to escort the Governor to the Chamber to deliver his State of the State and Budget Message.

The Chair appointed Miss Kilgarin, Messrs. L. Johnson, R. Johnson, V. Johnson, and Eret to serve on said committee.

The Committee returned and escorted Governor Robert Kerrey to the Rostrum where he delivered the following State of the State and Budget Address:

"PROMISE OF THE PRAIRIE"
GOVERNOR ROBERT KERREY'S STATE OF THE STATE MESSAGE
JANUARY 6, 1984

In her finest moments, Willa Cather wrote of what she knew and loved best: the Nebraska frontier and the men and women who settled it. When Cather set out to write O Pioneers, she succeeded in creating a character — Alexandra Bergson — who captures the essence of those men and women, past and present, who have seen the infinite possibilities in Nebraska and have been willing to devote their lives to realizing them.

Unable to purchase the land thought best by other farmers and surrounded by those who submitted to back-breaking toil and hardship, Alexandra is, nevertheless, undaunted. With unshakeable faith in the land, in herself, and in the promise of the future, she succeeds. Where others saw certain failure, she saw opportunity. And so, Cather writes, "For the first time, perhaps, since that land emerged from the waters of geologic ages, a human face was set toward it with love and yearning. It seemed beautiful to her, rich and strong and glorious. Her eyes drank in the breadth of it, until her tears blinded her. Then the Genius of the Divide, the great, free spirit which breathes across it, must have bent lower than it ever bent to a human will before. The history of every country begins in the heart of a man or a woman."

To know Nebraska and to plan prudently for her future is to know those men and women in whose robust hearts our history was born and in whose untiring hands it was carried to the present. It is to recall our victories and our defeats; our advances as well as our retreats. It is to know what we have done, what we are doing for this state. And most of all, it is that this is the state in which opportunity has thrived and continues to thrive.

We have been, in the main, a people aware of the chance to develop and exercise uncommon courage and tenacity — qualities our homesteading ancestors possessed in abundance. Nearly every season of the year has brought us new challenges waiting to be addressed. Through blizzards and scorching heat, through parching winds and drenching rainstorms, through floods and droughts and insect infestations and crises made by people, we have historically summoned up our courage and resources to say that on the other side of apparent catastrophe we will be even better and even stronger. Through our actions, we have said time and time again that a problem is not a barrier, but a question awaiting answer, an idea awaiting development, a challenge awaiting action.

And we have seen the opportunities a young land provides for growing together. Our ancestors joined together to raise the rafters for their barns, to extinguish prairie fires, to hay, thresh, quilt, and preserve. Today, while the activities may have changed, the spirit has not. Nebraskans still understand that we have greater strength through sharing.

We have used our courage and tenacity, our sense of community, and our values of faith, hard work, and dogged determination wisely. We have used them to create and cultivate opportunities for Nebraskans to realize their fullest potential. The land has given us a rich and rewarding resource base from which to grow; we have brought to the land an unflagging vision of its infinite possibilities.

And I tell you now with unshakeable faith that no boundary has been set — no boundary will ever be set — to constrain what the individual Nebraskan can accomplish when they discover opportunity, when given the chance to fashion new opportunities, and when provided the skills to make those opportunities work.

We have seen it in agriculture, as we have brought a fertile oasis out of a desolate wasteland.

We have seen it in education, as we have moved from unremarkable frame schoolhouses to a system of education which will not be deterred in its quest for still higher levels of excellence.

We have seen it in our productive, prosperous, and innovative businesses and industries.

We have seen it in our cultural environment, which has produced institutions, painters, writers, composers, musicians, and actors of the highest rank.

We have seen it in our efforts to use, but use wisely, the resources we enjoy, and to provide Nebraskans the degree of safety and security required to make use of their opportunities.

We have seen it in many other ways and in many other efforts. And through it all, we must know that state government has been and must continue to hold as its objective: INDIVIDUAL FREEDOM AND OPPORTUNITY.

This legislative body enjoys an honorable heritage evoked by the names of Arthur Mullan, John Norton, Sara Muir, Gilbert Hitchcock, and William Hasebrook. It is a heritage reflected in the names of recent legislative leaders: Jensen, Gerdes, Marvel, Burbach, Carpenter, and Mahoney. And there is no shortage of leadership here today. Your names will be remembered as well: for courage, for service, and for sacrifice.

It is also a heritage shared by the Executive and Judicial branches of this state government, and it reaches back to 1864, when Congress provided enabling legislation authorizing Nebraskans to form a state government — a government which has continuously undergone progressive developments. What remains unchanged is that this is a government whose roots are in the law — a government which expresses that we are a society of the law, that we live by the law, and that if we do not, we will pay the penalties. What remains unchanged is that this is a government cognizant of the charge forever inscribed on this building: "Political society exists for the sake of noble living."

And so this government taxes and invests that revenue to provide the people of this state with freedom and opportunity. We invest in Nebraska's number one industry — agriculture — an industry which is young by historical standards but remarkable in its rapid and successful development. A century and a half ago, the land was scorned as unproductive; today, it is a land which literally helps feed the world by providing millions of bushels of corn and wheat and tons of beef and pork each year. The Nebraska farmer of 150 years ago produced enough food for four people; today the Nebraska farmer produces enough food for 80.

We invest in the education of our people so that they will be prepared to confront challenges and make the most of opportunities presented them. Our belief remains similar to that expressed by the first settlers who hoped to give their children all the education possible so they "would not go forth to fight their world battles handicapped by ignorance." We have come a substantial distance from the days when pioneering teachers taught in small frame or log houses so open that sun and wind could enter the crevices. From these humble but sincere beginnings has evolved an educational system embracing elementary and secondary schools, colleges, universities, and institutions which provide special training to meet the needs of our citizens. Although every facet of state endeavor should remain eager for improvement, I can say with confidence that Nebraska's educational system has achieved a clear record of excellence.

We invest in economic development with a view to planning, promoting, and developing the state's economy; working to achieve the full potential of our human, natural, and physical resources; and stimulating commerce, agriculture, industry, and job opportunities.

We regulate to provide Nebraskans with a degree of safety and security. We want to make certain that the diseases like diptheria and tuberculosis, which robbed families of their children and incapacitated their adult members, never again become a scourge in this land. We want to make certain that the food we eat, the water we drink, and the air we breathe are pure and healthful. We want to make certain that hazards which present danger to our people are responsibly controlled or eliminated.

We innovate so that Nebraskans can successfully avail themselves of new and important developments in areas such as communications, and so that Nebraskans can make the most of what is already possessed through institutions like our Food Processing Center.

We advocate on behalf of Nebraskans in many forums to ensure that the individual and collective voices of this state are heard and heeded across the nation.

We have done and continue to do all of these things because we love this land.

We do it because we are the descendants of men and women of faith and solid values. Men and women known and nameless who were unafraid to give themselves to the future. Men and women who gave us a solid platform on which to construct this society.

We do it because there is not a singular American Dream but a multitude of diverse individual dreams deserving of realization — deserving of the opportunities for realization.

We do it despite the fact that there are functions of this state government we ourselves may never make use of — may never need. We may never directly need services for the mentally ill or mentally retarded. But we provide help for those individuals who do. We may be employed and blessed with wealth, but we still provide job placement assistance and income maintenance for those who are not. We may be young, but we provide for our aged: their health, their housing, their security. Our freedoms may not be in jeopardy, but we provide protection for those who are. We are concerned about the denial of one person's freedom; we know that we could be next. We move to help our neighbor.

This is the spirit in which I give you my budget recommendations today. This government is here by the choice of the people; not by the chance of fate. In its myriad forms and activities, it is an expression of the wants and needs of the people of this state — wants and needs which, when addressed, open channels of opportunity. Our task is to maintain and improve those channels and chart a course for Nebraska through them.

Cather's Alexandra did not wait for her opportunities. With faith and values to guide her, she worked hard and she persevered. She worked tirelessly toward her goal. The opportunity lay in being able to choose that goal with freedom. Hard work and sacrifice turned the dream into reality.

It will take a good deal of hard work to accomplish all of our dreams as well; it will require more than the appropriation of dollars. We must push ahead with dedication, self-discipline, and a commitment to working long and hard. We must know that it is not enough to be content with what we have today; we must compete for the future. We must apply ourselves inside and outside state government. And if we are willing to do all this, we will succeed.

If there is any doubt, consider the response we have received from the members of our task forces. We had only to ask, and their service was committed to the betterment of Nebraska. I regret that all of the members could not join us today, but I want to introduce the task force chairs who are here: John Woods, Communications and Informations Systems Technology; Tom Potter, Small Business Equity; Jim Campbell and Lynn Roper, Pension Fund Investment; Brenda Warren, Excellence in Education; John Cavanaugh and Bob Daugherty, Water Independence Congress; Barry Kuhl, State Employee Insurance; Bob Spire, Christian School Advisory Panel; Tom Olson, Agricultural Finance and Rural Development; Jerry Hargitt and Harry Seward, Goveror's Advisory Committee for the Gifted and Talented; Maxine Moul, Small Business Equity Subcommittee Chair; and Dale TeKolste, Special Advisor to the Governor. Thank you again for your outstanding efforts.

OVERVIEW OF BUDGET

Now, I would like to provide you with an overview of my budget and enhancements.

Article IV, Section 7 of the Nebraska Constitution says that the Governor "shall present, by message, a complete itemized budget of the financial requirements of all departments, institutions and agencies of the state and a budget bill to be introduced by the Speaker."

This is the presentation of that budget. It calls for $803,155,723 in state spending, including capital construction. This is an increase over the current budget of 7.6%.

As I detail the components of this budget, we must remember that every dollar should be analyzed. It is always possible to achieve more while spending less. That is why, during the budget process, I frequently sent word back to my department heads that new programs they suggested should be funded by existing dollars; that they must, through reallocations and greater efficiency, find the resources to support these new directions.

The process used to arrive at these budget proposals was a thorough one. Last year, at the end of your legislative session, I established two goals for my next budget; I feel I have achieved them both.

First, I believed it essential that I should present this budget to you as soon as possible. Given that this is the short legislative session and that your agenda is filled with weighty issues, delays in budget action could jeopardize your success. Therefore, I was determined to present you with this budget during the first week of this session.

Second, I wanted these budget requests to be thoroughly scrutinized. We began with the issuance of the budget instructions in July. Larry Bare met individually with each code agency director to discuss budget goals and objectives. Agencies were asked to respond in writing to over 100 questions on particular policy issues. A special budget planning group was formed and briefed thoroughly on agency requests. This group then met with each code agency director and staff to discuss their individual requests in-depth.

By late November, the materials had been developed to begin presentations to me. I spent a great deal of time in November and December meeting with the planning group, agency directors, concerned citizens, and members of this body. Issues were thoroughly discussed, numbers continually revised, and priorities established. Out of this thorough dialogue comes the 1984-85 budget.

I want to begin by discussing issues affecting state employees. They are the backbone of our system, representing the single most important element in our government. Buildings, equipment, and the best laid plans mean nothing without a skilled, dedicated workforce which is both well-managed and well-trained.

Therefore, in light of the state's salary survey findings, I am recommending to the Legislature an eight percent increase in state agency salary budgets. My salary distribution proposal has been designed to reward good performers. It is a basic pay for performance system. Employees may receive up to a ten percent pay increase. Employees with less than satisfactory performance will receive lesser amounts, possibly nothing, and performance improvement standards will be established which will lead them to be better employees or potentially face termination. Hiring rates will generally be increased six percent. I am also recommending a revised health insurance plan for which an additional $2,827,510 will be necessary.

As you are also aware, I have recently approved new Personnel rules. With implementation of the new rules and regulations, we will, among other things, finally achieve merger of the State Personnel and Merit

Systems.

In addition to the 1984-85 budget, I am presenting to you a deficiency bill for 1983-84 of $7,081,492 of General Funds. The 23 agency requests that I approved are, I believe, legitimate needs and should be funded.

Analyzing the $803,155,723 contained in this budget, we see that it requires:

$372,745,360 for state operations;

$415,510,334 for aid; and

$ 14,900,029 for capital construction. These numbers do not include funds for the new health insurance package.

Detailing the portions of this budget, we see that education requires $408,023,868 in General Funds. This includes:

$159,484,133 for the University;

$ 194,796 for the State College Board;

$ 25,488,637 for the State Colleges;

$ 23,088,850 for our Technical-Community Colleges.

$190,866,262 for the Department of Education;

$ 4,870,723 for Educational Television; and

$ 611,223 for the Nebraska Arts Council.

Turning to transportation, this budget necessitates $4,928,406 in General Funds and $294,467,068 in total funds.

Looking at economic development, this budget requires $6,615,956 in General Fund support, including:

$3,533,463 for the Department of Agriculture;

$ 565,875 for the Department of Labor; and

$2,504,147 for the Department of Economic Development.

In the natural resources area, my main line bill calls for $15,480,315 in General Fund appropriations. This includes:

$1,521,915 required for the Department of Water Resources;

$6,222,747 required for the Game and Parks Commission;

$4,689,768 required for the Natural Resources Commission; and

$3,011,934 required for the Department of Environmental Control.

The human services area need $190,215,685 in General Funds and another $260 million from other fund sources.

This area includes, in General Fund requirements:

$ 4,273,255 needed by the Department of Health;

$ 63,070,776 needed by our Department of Public Institutions;

$118,445,718 needed by our Department of Social Services; and

$ 2,212,447 needed by our Department of Aging.

Support of our general government operations requires $87,767,109 in General Funds, including:

$ 657,163 for the Governor's Office;

$ 5,548,857 for this Legislature;

$ 4,534,838 for the Department of Administrative Services;

$ 996,731 for the Department of Personnel; and

$36,383,362 for the Department of Revenue, and
$34,683,773 for the State Treasurer.

In our public safety and regulatory functions, this budget calls for $68,638,457 in General Fund support. This provides funds for:

the Supreme Court at $10,216,290;
the District Courts at $6,252,135;
the State Fire Marshal at $159,298; and
the Department of Correctional Services at $35,600,057.

In terms of new capital construction commitments for fiscal year 1984-85, my recommendation includes over $12.9 million of state General Funds and $6.0 million of cigarette tax funds. A continued effort is being made to maintain our existing buildings and to upgrade our older facilities, with a particular view toward energy conservation. I am therefore recommending that $5 million be allocated to the LB 309 Task Force. Among other recommendations, $1,000,000 is targeted for life safety improvements at the Department of Public Institutions, along with $500,000 for life safety improvements at the University, $250,000 at the Department of Correctional Services, and $200,000 at the state colleges.

EDUCATION

Last summer I commissioned a task force to study the status of primary and secondary public education in Nebraska and make recommendations for improvements. The Task Force on Excellence in Education found that our schools are sound, but not without room for improvement. This body will debate the merits of such recommendations as state established graduation requirements, the organization of school districts, and many others.

I am convinced that education is central to our continued growth and well-being as a state. That is why I am offering a bill to enhance education in Nebraska. The quality of that education depends to a great extent on the men and women who teach our children. We cannot afford to lose our best teachers to the private sector or to school districts in other states. In order to assure that Nebraska's educational system is second to none, we must pay competitively, and we must recruit competitively.

I am today challenging Nebraskans to set a goal of recruiting and paying a teaching force in the upper 10% in the nation. This is, I believe, a reasonable, aggressive goal given our own high individual aspirations. To achieve this goal will require commitment: financial and political.

By the end of the decade, Nebraska's teachers will be in the upper 10% nationally in terms of both quality and pay. We must be willing to set this goal and to work together with local school districts to achieve it.

But if we are to pay our teachers in the top 10%, we should expect that we have the top 10% of the teaching talent. In return for truly competitive salaries, teachers must be willing to sacrifice some of the protection they have traditionally enjoyed.

In examining our laws, I find that we do not have true "tenure" for teachers in Nebraska. Instead, we have a fair dismissal procedure that guarantees teachers due process. Nevertheless, there is a public concern that there are some teachers who are not doing an adequate job, and that they cannot be fired. In order to deal with that concern, we will revise personnel rules in statute to clarify that incompetence includes deficiencies or shortcomings in subject matter knowledge or in teaching skill. The State Board of Education should be required to expand on this definition and establish standards of competence which apply to all teachers in Nebraska, no matter how long they have taught.

Another problem in guaranteeing continuing competence, of course, is in the evaluation of teachers. We will increase our emphasis on ongoing, thorough, and reliable evaluation. In addition, administrators must be provided with the training and resources necessary to evaluate teachers and reward the most able, help those who can improve, and remove those who are not competent from the profession.

We will also remove artificial barriers which may impede potentially outstanding teachers from entering the profession. I will propose legislation which will enable uniquely qualified individuals to gain "lateral entry" to the teaching profession without necessarily returning to college to complete formal teacher training.

I am proposing a $25 million initiative for total education improvement, the lion's share of which will be used to enhance teacher salaries. By providing stipends from the state to teachers in school districts that maintain a minimum qualifying level of salaries, and by having that state stipend match local effort, I believe we can reach our top 10% goal.

The remainder of the $25 million will be used for several innovations, such as: a consortium to provide for technology in the schools; a "scientist-in-residence" program; and a program designed to identify and distribute especially effective and innovative curricula.

In addition, my bill will contain many items that are also included in the bill developed by Senator Vickers and your Education Committee.

We also need to concern ourselves this Session with the question of the appropriate balance between religious freedom and the legitimate interest this state has in the education of Nebraska's children. I have appointed an outstanding panel headed by Bob Spire of Omaha to analyze this entire issue and provide us with an objective, balanced, and independent judgment on the public policy questions involved. I expect a report from this panel in the near future so that you will have every opportunity to thoroughly analyze and review this difficult, complex area.

ECONOMIC DEVELOPMENT

Looking at economic development, my legislative program will once again have a major emphasis. Let me share with you some of the significant concepts I used in developing my package.

First, the economy is not an abstract mathematical model. It is people; people making choices. It is individuals investing; families buying a home; a farmer plowing his or her field; a worker assembling a machine; an entrepeneur opening a business; a researcher developing new ideas and technologies.

Second, the more we invest in that individual's capacity to be economically productive, the more we as a society gain in return.

Third, although national and international forces shape our economic destiny, we cannot concede to them. We must make our own economic choices to build our own economy.

And fourth, economic development is the responsibility of all of state government. That is why I've directed all agencies from Energy to Social Services, from Agriculture to Labor, from Revenue to Water Resources to look at how they can help build upon the basic wealth of this state.

The following represent significant economic development investments and activities.

Number one, transportation.

Accessibility to resources, markets, and services is critical to the health and well-being of Nebraskans. The quality of our transportation systems determines in large measure the number and quality of economic choices available to us. Gone are the days when we hitched the horse to the buggy and rode into town to buy and sell our wares; today, we are a worldwide trader dependent on strong systems of transportation. For example, Japan now purchases $6 billion of grains and other food products from America each year.

We must continue to emphasize development and maintenance of our road, rail, and airport systems.

We have come a long way since 1927 when the state completed its first 100 miles of hard surface paving. Today we have a state road system of 10,000 miles, 413 railroad crossings, and 3,248 bridges. We commit 17.5% of the total state budget to the Department of Roads so that farms and businesses have access to markets.

Further, the use of aircraft has been a vital part of Nebraska's and our nation's growth. The allocation of $16 million to air programs demonstrates our resolve to keep Nebraskans linked to the outside world. In light of the importance of air service to economic activity, we must also be prepared to deal with the impact of airline deregulation.

Number two, telecommunications.

It is not just transportation that links our people to the world. More and more, telecommunications is the conduit for our transactions. I firmly believe Nebraska has the potential to be a world class center in telecommunications.

In line with that belief, my budget calls for a major increase in support to ETV. Much of this increase is targeted toward maintaining the high quality of the facility in which we have already so wisely invested.

Additionally, my capital construction budget continues our program of transmitter replacement.

Finally, my detailed economic development message, which I will deliver later this month, will contain additional recommendations in this area.

Number three, education.

In reviewing our investment in people, our greatest investment in individuals is through education. As I've said on other occasions: "Education is the conservative commitment of those of us who believe that it is people who solve our problems."

The education plan I've just given you is that kind of conservative commitment that we have maintained since our days as a rugged frontier. That commitment grew over time to include higher education. Today, we know that higher education is one of the surest means of providing both individual freedom and opportunity, and bettering society. It affords individual men and women chances to pursue their chosen fields and equip themselves for lives of learning. Those individual opportunities ripple out to the lives of others in myriad forms: new ideas, new technologies, new achievements and advances.

This budget bill provides over $208 million in General Funds for our three state higher education systems. Of the operations portion of state government, the University and state college system will absorb 49.1% of the General Fund budget.

I am also proposing that funds be allocated to begin construction of the University's Animal Science complex. Completion of this complex is another step toward building the food processing industry in our state. We know that solid research builds strong industry. We know that basic agricultural research pays off in greater productivity.

Additionally, I believe that the University should proceed with the Laboratory Science Building in Omaha as another sign of our belief that education is a component of economic development.

Finally, because new technologies offer us new opportunities, one million dollars is also provided for university computer development.

Number four, technical colleges and job training.

Our investment in individuals is also reflected in our technical-community colleges. Many times this last fall on the Industry Recognition Tour, business leaders spoke of the drawing power of these institutions for new industries as well as the contributions of our state colleges and University.

Job training is also a growing part of our state's investment in individuals. For the next fiscal year, I'm calling for an additional quarter of a million dollars to the Departments of Labor and Economic Development for these valuable services. This is to supplement the $10,450,387 federal dollars being spent for the Jobs Partnership Training Program.

Number five, NIFA.

Last year, you created the Nebraska Investment Finance Authority — NIFA. With a strong board in place, this agency is aggressively bringing dollars to Nebraskans to buy homes, build businesses and acquire farms. More can and will be done by NIFA in the coming years.

Number six, additional economic tools.

I will also be asking this Legislature to look favorably on creation of two new Nebraska economic tools. The first will be to aid small businesses needing to get started. The second is to assist beginning farmers. New farms and businesses are vital to a healthy economy. Their creativity and productivity inspire additional economic activity in our communities.

Number seven, pension funds.

Nebraska can further control its economic destiny by controlling the flow of capital. More effective targeting of state pension funds is another tool that we can use to gain investment dollars for our citizens. I will soon be urging our Retirement board and Investment Council to take further action in this regard.

Number eight, infrastructure.

Building our communities and their infrastructure is another means of asserting local economic control. Creative use of community development block grants, aggressive pursuit of Urban Development Action Grants, merging of public and private investments, and careful planning are all tools we will use to build economic independence.

Finally, if we look at how all our state agencies contribute to our economy, our potential economic development strategies become endless. Our public safety structure protects our farms and businesses. Our social service system builds our quality of life. Our regulatory system balances rights and responsibilities. Whether it is our dedication to an outstanding park system, our faith in the arts to inspire us, or our dedication to equal justice, all of our actions will build our economy because they build us as individuals.

WATER

Nebraska has also established a national leadership role in the development and conservation of water resources. This heritage is admirably reflected by the creation of local Natural Resources Districts, by the eight million acres of Nebraska farmland that have been brought under irrigation, by the commitment we have made to the conservation and proper management of our water resources, and by the investments that we have made to undertake studies in an effort to improve our system of water resources management.

We have had our share of disagreements about the best way to approach water policy in this state; nonetheless, Nebraska has remained a leader. We have fared well compared to other states, and we now stand at the brink of a tremendous opportunity to capitalize on this important resource.

The Water Independence Congress has been an exercise in this tradition. Forty Nebraska citizens from across the state with a variety of interests in Nebraska water resources came together for a common purpose: to work toward a consensus water policy that is predicated on the best interests of the entire state. Disagreements occurred; that was to be expected, since that is the nature of a democratic system. But in the end, the members of the Water Congress submitted a report that represented their consensus on what the direction of Nebraska water policy should be.

I would like to share a number of their recommendations, which I wholeheartedly support, and at the same time, commend Senator Schmit for his support of the Water Congress. I intend to support the following:

First, the Congress made several proposals relating to the structure of state government which are designed to clearly define administrative responsibilities and lines of accountability.

I strongly support the Water Congress consensus that the executive director of the Natural Resources Commission be appointed by the Governor with Commission approval. I also support the concept of a Water Management Board as a mechanism for resolving disputes and setting priorities for water projects. The board would work in conjunction with existing water agencies to provide a complete administrative system.

Second, the Water Congress made several outstanding recommendations concerning water conservation and management, which are key elements of sound water policy. The Congress recognized that the efficient use of water and the protection of its quality are essential to all Nebraska citizens, both urban and rural.

A very important component of Nebraska's water management policy must be the legal recognition of instream flows as a beneficial use of Nebraska water. Future development of our water resources must take into consideration the value of protecting habitat for fish and wildlife in our state.

Groundwater management plans which address existing and potential problems with regard to groundwater supplies and quality should be developed and implemented at the local Natural Resources District level. Emphasis should be placed on conservation practices and integrated management of surface and groundwater. Development is only part of the answer. To succeed, we have to manage this resource wisely.

Diminished water quality must be considered a serious threat to our abundant water resources. The underground storage of petroleum and chemical waste as well as the surface application of fertilizer and pesticides must be carefully managed in order to prevent groundwater contamination, which can be a serious threat to our health.

Third, the Water Congress has offered several water development recommendations. I agree with the consensus that additional development, if properly planned and managed, is both possible and desirable. To quote the Water Congress report, "Additional development can provide for environmental protection, economic development, and a large portion of the additional needs of agriculture."

A significant concern is the means by which this development will be financed. I concur with the Water Congress recommendation that the Nebraska Constitution be amended to authorize, with legislative approval, the use of general obligation bonds for water projects. This paves the way for a comprehensive water financing structure, which must include user fees as well as tax revenues.

I am including in my enhancement proposal an additional $4 million for water development, which would be administered by the Water Management Board.

Fourth, to ensure that water development in this state proceeds in an orderly fashion, sound planning is a must. The Water Congress has recommended that the state play a lead role in planning for water resources projects, and encourages local project sponsors to be involved as well. A continuing assessment of our efforts must be undertaken, and new development projects should proceed in stages to promote that assessment.

On a broader scope, the consensus of the Water Congress indicates that the Missouri Basin States Association should be used as the forum for resolving Missouri River water disputes. This informal group will provide a better environment for this task than would a formal interstate compact.

Two things are abundantly clear to me from the Water Congress report. First, we must maintain the tradition of local control in the mangement of our water resources. Second, the state's Chief Executive should be accountable to the people of Nebraska for the successes and failures in Nebraska water policy. The recommendations of the Water Congress provide the framework we need to move forward and continue our heritage as national leaders.

Right now, in 1984, we have an opportunity which has not existed in many years. We must act now, building on the courage of the Water

Congress membership and the leadership of Senator Schmit and the Public Works Committee. History will judge us to be people of courage as well if we seize this opportunity to move decisively ahead.

SOCIAL SERVICES

Since our days as a Territory, Nebraska has maintained a commitment to social services. The name and structure of the administering agency have changed over the years, but Nebraskans have remained willing to assist each other in times of need. Provision of human services is one means of assuring that individual opportunity extends to all Nebraskans and not merely to the advantaged.

Some Nebraskans are only in need temporarily; some will always be in need. In either case, we provide social services because that's the kind of people we are. Our goal is to help; our number one priority is to try to assist the recipients — to try to provide them individual opportunities. And we should be proud that we care so much. We should be proud that we help without expecting a payback. We should be proud to help one another.

One important task for our Department of Social Services over the next year will be to complete the creation of a state social service system. The task is first and foremost a management issue. It demands total support from all who work within the Department, all who draw upon its services, and all other agencies which work with this Department. This Legislature has declared there will be one uniform system of delivery of social services in Nebraska, and this administration will act decisively on that mandate. Before we ask the Department to undertake new missions, we must make sure this one is well in hand.

Yet there are other tasks which the Department must continue to perform.

After all ... to the elderly, the disadvantaged, and the refugee; to the retarded, the single parent, and the disabled; to those struck by catastrophic illness; to the orphaned, abandoned, and abused, the Department of Social Services is a hot and nutritious meal, appropriate clothing, a warm, decent place to live, the security of knowing that nursing home care, and hospitalization are available, a trip to the doctor, proper pharmaceuticals, and care for children.

And so ... One hundred and sixty million dollars are provided for Medicaid; Fifty-four million for aid to dependent children; Seventeen million for energy assistance; Fourteen million for Title 20 Social Services; Eight million for child welfare foster care payments; Five million for Supplemental Security Income payments to the aged, blind and disabled; Twelve million for a variety of other programs and services.

Additionally, our state administers such federal programs as the food stamp program. In fiscal year 1984-85, $40 million worth of food stamps will be provided to needy individuals and households. Some $10 million will be used for food commodities distribution to 182,000 individuals.

One of the values that makes our society so good is that we take care of our aged. Included in this budget bill is an increase for aid to community services for the elderly. Our state government has a long-standing history of support for its senior citizens, as evidenced by the former Aid to Aged, Blind and Disabled Program; the creation of a state Commission of Aging in 1965; our leadership in community programs in the early 1970's; and the passage of LB 404, the Community Aging Services Act, in 1980. We support the programs in this area because we are a caring, compassionate people.

We also demonstrate how deeply we care in mental health and mental retardation services. Among the most critical issues we now face is the question of the chronically mentally ill. We cannot allow these individuals to be ignored, cast aside, or lost between service cracks. In an effort to raise the quality and efficacy of mental health and mental retardation services, Ron Jensen, our Director of the Department of Public Institutions, has embarked on two actions:

The first is completion of a state mental health plan providing consistent priorities for the use of mental health dollars across the state.

The second is a rewrite of our state mental retardation program statutes. As the first statutes developed for community-based services in Nebraska, these statutes can be updated based upon more than a decade of experience with these types of programs.

I urge your support of both of these initiatives.

PUBLIC SAFETY

Even as we seek to provide Nebraskans with opportunities in education, economic development, agriculture, and other areas, we must also recommit ourselves to the public safety. The goals, and actions of state government — the opportunities we provide for people — mean little if Nebraskans are not sufficienty healthy or safe to partake of and participate in them.

Our State Patrol stands in the mainstream of our public safety efforts. Today, the Patrol continues to perform its function of making the highways "a safer place for life, limb and property."

This budget calls for the funding of the State Patrol road operations from the Highway Allocation Fund. This is consistent with the Nebraska philosophy of users paying for the services they receive. It brings Nebraska into line with the majority of states in the nation that also pay for part or all of their Patrol operations from user fees. The point of contact for most of us with the Patrol is being stopped on our highways. However, the measure of safety provided by the Patrol is integral to our citizens' ability to explore their opportunities.

Likewise, the support we give our courts helps determine whether we will be a society of law or lawlessness. We raised our judges' salaries last year when we held the line on most other items, demonstrating our commitment to the Judiciary, so ably represented by our outstanding, progressive Supreme Court.

The Fire Marshal's Office also represents a state commitment to citizen protection. As early as 1909, our state established fire safety as a state responsibility with creation of a State Fire Commission. A policy of inspection, enforcement, and prevention has spared Nebraska disasters like those which have occurred in other states. The Fire Marshal's Office requires our support to meet new challenges in public protection.

The heritage of our Military Department extends back to our Territorial Government. Over the years, the Department has added several new functions of public protection and civil defense. I am proposing a budget of nearly $5 million for this Department and am giving General Carmona full support in his efforts to restructure and strengthen this division of state government. The Guard must stand ready to serve Nebraskans in the future as it has so well in the past.

In the areas of Corrections, we attempt to strike a difficult but necessary balance between protecting the public and supporting opportunities for individual rehabilitation.

This budget calls for completion of the Department of Corrections' construction program, envisioned by this Legislature over ten years ago.

My recommendation includes over $1.2 million for the next two budget years for the Omaha Post Care Center. The present facilities have been sold and will be demolished to make room for planned commercial development in the area. Due to the difficulty associated with leasing acceptable long-term space and the continued merit of this program, the construction of a Post Care Center housing a total of 90 male and female offenders in Omaha is vital. This new facility will also provide work or education release programs for women.

Further, a delay in the opening of the Omaha Center has provided one-time vacancy savings of budgeted dollars. I have directed that these funds be applied to expanding the correctional industries program at this location. Solving the question of inmate idleness is a high priority for me and this Legislature. These funds will be used to establish meaningful inmate work programs, such as wood furniture manufacture, book repair and bindery, and production of vinyl products.

In addition, I intend to recruit and hire an administrator in the tradition of outstanding Nebraska Corrections officials. The commitment we have made in the past to invest in capital expenditures, coupled with being one of two states with a stable or declining prison population, presents us with an opportunity to continue our work and achieve our dual goal of protecting the public and supporting individuals' opportunities for rehabilitation.

REGULATION

Regulation represents one of the principle functions of state government. We have a critical need to regulate and maintain a balance between competing interests. If an individual wants to earn a living manufacturing chemicals, we want that opportunity to exist. But at the same time, we want pure air and water and soil for ourselves and our children. As we regulate, we also recognize the pitfalls of the activity. We can regulate too much — too strenuously — too rigidly — and destroy individual freedom and opportunity.

But individuals can and do hurt other individuals. As extensions of people, corporations may do likewise. During the past year, we have witnessed another striking example illustrating the tremendous need for and difficulty of regulating people: that is the Commonwealth Loan and Investment insolvency.

I know that I speak for a great many Nebraskans when I express my deep gratitude to John Miller and Dave Domina for their willingness to step in and assist the state, and for the outstanding work they have done in a very short period of time.

Their report to me and to this body contains a series of recommendations for statutory changes designed to improve the state's method of supervising our financial institutions. I assure you that I will cooperate with Senator DeCamp and the Banking Committee as we analyze these recommendations in our joint effort to avert another tragedy.

We regulate under the auspices of many agencies: the Departments of Motor Vehicles, Revenue, Health, Agriculture, Banking, and Insurance, as well as the Professional Licensing Boards.

For the Department of Motor Vehicles, I am proposing in this year's budget that the fee charged for driver records be increased. The amount Nebraska charges for its service is considerably below most of the Midwest states. A further increase to help support Department costs is justified.

After discussion with Donna Karnes, our Tax Commissioner, I have decided to add funds for eight additional auditors for the Audit Division of the Department of Revenue. For our tax system to work, citizens must be confident that people are paying their fair share. Auditing of tax obligations is an essential part of this system.

Finally, the maintenance of public health is a key function of our government; a healthy citizenry is better equipped to take advantage of new challenges. As we limit dollars for health care, we must intensify our efforts at health promotion and disease prevention. Dr. Gregg Wright, the Director of the Department of Health, has determined that the first step will be the creation of a Governor's Committee on Health Promotion.

We expect that by March 1, a broad-based committee will be formed and already acting on its charge to develop a state health promotion plan. The recommendations of this committee will go to the Statewide Health Coordinating Council first. By encouraging a more healthy environment and increasing citizen awareness, we will not only reduce health care costs, but also lengthen healthy, productive lifespans.

REDUCTIONS

This budget also contains reductions and, in some cases, elimination of programs. These cuts are, as always, painful. They are not taken lightly, but rather have been thoroughly discussed and evaluated.

First, I believe that changes in certain aspects of our special education reimbursement system are warranted. This budget contains $43,789,887 for state assistance to special education. This year's increase is over $3,000,000. It is worth noting that when LB 403 passed in 1973, the total state appropriation for special education was less than $11 million.

My proposed changes would combine transportation costs with instructional costs and would reimburse all levels of special education programs equally, with an estimated savings of $2,706,582.

Second, I still believe that the state should not provide special aid to school driver's education programs. Elimination of this would reduce expenditures by $1,236,000.

Third, I remain convinced that we should not continue earmarking one cent of the cigarette tax for cancer research. After allowing for an adequate General Fund appropriation for the Eppley Institute of $500,000, this proposal reduces expenditures by $1,100,000.

Fourth, I am convinced that the State Fair and Fairgrounds Horse Racing cash revenues should absorb the $105,380 that the General Fund currently provides the State Board of Agriculture.

Fifth, it is periodically necessary to adjust upwards the fees charged for state services. It is clear to me that the time has come to adjust the fees charged counties for patients placed in state institutions. Those fees have not been increased since 1969. At that time, the average daily cost per patient at our three regional centers was $16.22. The average daily cost last year was $125.41, an increase of 670%. We have reached a point at which it costs counties less to have an individual institutionalized in a state facility than placed in a local community program. An increase of the county share to $15 per each day of care will raise almost $4 million to assist in the funding of institutional expenses.

Sixth, I believe that our State Historical Society should begin to charge admission to its facilities and thereby gain the state an additional $146,000.

Seventh, I feel that the witness assistance centers have demonstrated their worth, and should be a local funding responsibility. Elimination of this program saves the state $48,545.

Eighth, I feel it is time that the Kearney Safety Center became self-sufficient and that the $60,000-plus in General Funds which it uses should be applied elsewhere in the state budget.

Ninth, I am supportive of the changes in the Medicaid program that have saved $705,000 and expect more cost-saving proposals to be forthcoming in this program.

Tenth, I feel that the students at the state colleges should pay higher tuition next year, as will University students, providing an additional $649,000 in cash funds.

Finally, I ask you once again to consider closing the state-run gift shop in the Capitol Building.

I am also asking you to take three legislative actions that will save General Fund dollars in the future. The first is to amend the statute on payments for the Fairgrounds grandstand to guarantee that existing balances from past appropriations and investment income are available to be used to make bond payments. This change could save the General Fund as much as $3.5 million over future years.

Additionally, I am asking you to place a cap on the state's share of the wastewater facilities grant program. Changes in the federal contribution will almost double the state cost of this program unless we change our state law. Environmental policy is dictating that more of these costs should be borne by the polluter. Enactment of this change will save the state $2.5 million a year.

Finally, I am asking that you limit the scope of review for the Foster Care Review Board to private placements. The state should not have to establish an agency to watch another state agency. Concentrating the work of this board on placements outside of existing government programs will target these resources to the areas in which we have the least influence and the greatest need for oversight.

These three proposals, if adopted, will slow future growth of government costs and more efficiently use Nebraska taxpayer dollars.

TAX RELIEF

Turning to questions of property tax relief, this total package, the budget bill plus my additional proposals, provides another $50 million in aid to local government functions.

Included in this $50 million are: $ 850,000 for additional reimbursement to schools for wards of the court; $ 1,032,000 in higher homestead exemption payments; $ 3,166,000 in higher special education aid; $ 1,500,000 for increased aid to community colleges; $18,500,000 for the assumption of all county Medicaid costs; $25,000,000 in additional assistance to our schools for teacher salaries and other educational improvements.

As you noted, I am proposing acceleration of the state takeover of county Medicaid costs. Last year, I suggested we defer that takeover one year until order could be restored to our fiscal house. After consideration of that proposal by a special committee and extensive negotiation with members of this body and affected interest groups, it was decided to phase in that takeover over a period of three years. Now that state finances are in renewed health, I reaffirm my earlier suggestion to take over all three of these costs in the 1984-85 budget year. This ensures completion of a long-sought goal, provides local property tax relief and removes a major future state obligation from the fiscal horizon.

Finally, this financial package allows for a reduction of the 1984 income tax rate from 20 percent of federal liability to 18 percent and assumes removal of the special cash fund sales tax to decrease the sales tax rate to 3 1/2%. This will allow for revenues of $874,382,508, including an overlevy of 3% of appropriation. Although this overlevy is not as high as some legislators have suggested, I believe that coupled with our cash reserve, it will give us enough security in these still uncertain economic times. This proposal will given Nebraska taxpayers $56,356,000 in income tax relief.

I would urge this body in determining tax rates to watch closely the economic omens and to also maintain an adequate overlevy and cash reserve so that budget planning can continue on a stable basis. We have learned, sometimes painfully, that our sales and income tax are highly responsive to our economic cycles.

Further, I would urge that when you make your decisions, you provide the Nebraska homeowner and taxpayer income tax relief as well as property tax relief.

Those who feel that the watershed moments in our history have passed are wrong. New opportunities have afforded us new choices and decisions. We stand on the threshold. We can act decisively and be remembered as the modern day Alexandras — as men and women of uncommon courage and vision.

Those who believe so much to be impossible are wrong. They cannot have reflected on our past. They must not be aware that out of a so-called desert has risen a vital, thriving state in which the possibilities are as limitless as our panoramic blue sky. The impossible is only so for the moment.

In the time of Cather's Alexandra Bergson, the land presented our ancestors with their abundant opportunities, and they came to the land with the requisite courage, faith, and appetite for hard work. The results of this combination are all around us.

Today, the land is but one bearer of opportunity. It exists in education, in economic development, in water, and a host of other areas. Let us meet these opportunities in the manner of Alexandra. Let us meet them with the courage, faith, and commitment to hard work which comprise our ancestors' legacy, and pass them down as an inheritance to our children. Then, we will feel as Alexandra did:

"As they drove through the rolling ... country toward the westering sun and the stalwart church, she was thinking of that time long ago when she ... drove back from the river valley to the still unconquered Divide. Yes, she told herself, it had been worthwhile... The country had become what she had hoped."

The Committee escorted the Governor from the Chamber.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 867. By Morehead, 30th District; Vickers, 38th District; Warner, 25th District; Kilgarin, 7th District; Pappas, 42nd District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to the University of Nebraska; to appropriate funds to aid in constructing certain projects.

LEGISLATIVE BILL 868. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Clark, 47th District; Haberman, 44th District; Labedz, 5th District; Remmers, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT relating to insurance; to amend section 44-140, Reissue Revised Statutes of Nebraska, 1943, and section 44-114, Revised Statutes Supplement, 1982; to adopt the Insurance Producers Licensing Act; to harmonize provisions; to provide penalties; to provide an operative date; to provide for severability; and to repeal the original sections, and also sections 44-327 to 44-335, 44-339 to 44-340, 44-342 to 44-342.02, 44-342.04 to 44-344, and 44-345 to 44-347, Reissue Revised Statutes of Nebraska, 1943, section 44-344.01, Revised Statutes Supplement, 1982, and sections 44-341 and 44-342.03, Revised Statutes Supplement, 1983.

LEGISLATIVE BILL 869. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.01, Revised Statutes Supplement, 1983; to set income and sales tax rates; to change provisions relating to the setting of tax rates; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 870. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to medical assistance payments; to amend section 68-1022, Revised Statutes Supplement, 1983; to change a schedule of state payments; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 871. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Environmental Control; to amend section 81-1533, Reissue Revised Statutes of Nebraska, 1943; to provide a limit on certain state allocations; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 872. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to special education; to amend sections 43-645 and 43-648, Reissue Revised Statutes of Nebraska, 1943; to redefine certain terms; to change certain provisions relating to reimbursement of school districts; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 873. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-412, Revised Statutes Supplement, 1983; to change a fee; to change certain provisions relating to the use of a fund; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 874. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska State Fairgrounds Building Fund; to amend section 2-128, Reissue Revised Statutes of Nebraska, 1943; to provide for an appropriation; to limit expenditures as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 875. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the State Board of Agriculture; to create a fund; to provide duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 876. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the cigarette tax; to amend section 77-2602, Revised Statutes Supplement, 1983; to eliminate the Nebraska Cancer Research Fund; to provide an operative date; to repeal the original section, and also section 81-638, Revised Statutes Supplement, 1983; and to declare an emergency.

LEGISLATIVE BILL 877. By Speaker Nichol, 48th District, at request of the Governor.

A BILL FOR AN ACT relating to foster care; to amend sections 43-1301, 43-1303, 43-1304, 43-1307, 43-1309 to 43-1311, and 43-1314, Revised Statutes Supplement, 1982; to redefine terms; to change provisions relating to reports; to change provisions relating to the Department of Social Services and certain other public agencies; to change provisions relating to records; to change powers and duties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 878. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Highway Allocation Fund; to amend section 39-2402, Revised Statutes Supplement, 1982; to change certain allocations of the Highway Allocation Fund; to create a fund; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 879. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to taxes; to amend section 81-523, Reissue Revised Statutes of Nebraska, 1943; to increase a tax; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 880. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to group insurance; to amend section 44-1617, Reissue Revised Statutes of Nebraska, 1943, sections 44-1615, 44-1615.01, 44-1616, 44-1620, 44-1622, and 44-1623, Revised Statutes Supplement, 1982, and sections 44-1620.01 and 44-1625, Revised Statutes Supplement, 1983; to change provisions relating to coverage for certain public employees; to authorize a plan of self-insurance; to rename a program; to change the amount of state contributions; to harmonize provisions; to eliminate a power of the Risk Manager; and to repeal the original sections, and also section 44-1622.01, Revised Statutes Supplement, 1983.

LEGISLATIVE BILL 881. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to schools; to amend section 79-2650, Reissue Revised Statutes of Nebraska, 1943; to extend the time during which a levy may be raised; and to repeal the original section.

LEGISLATIVE BILL 882. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to appropriate funds for the payment of the salaries of the officers of Nebraska State Government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1985; and to declare an emergency.

LEGISLATIVE BILL 883. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1984, to June 30, 1985; and to declare an emergency.

LEGISLATIVE BILL 884. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make deficiency appropriations; to amend Laws 1983, LB 608, section 1, Laws 1983, LB 621, section 1, Laws 1983, LB 628, sections 3 to 5, 9, 11, 14, 17 to 20, 23, 24, 26, 28, 29, 35, 42, 44, 46, 53, 71, and 79, Laws 1983, LB 630, sections 19 and 38, Laws 1983, LB 121A, section 3, and Laws 1983, LB 210A, section 1; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 885. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to make appropriations for the expenses of Nebraska State Government, including capital construction and capital construction reaffirmations and reappropriations, for the year ending June 30, 1985; to provide an operative date; to provide severability; to repeal Laws 1983, LB 630, sections 4, 9, 17, 20, 30, 31, 32, and 33, Laws 1983, LB 18A, Laws 1983, LB 19A, Laws 1983, LB 35A, Laws 1983, LB 73A, Laws 1983, LB 118A, Laws 1983, LB 121A, Laws 1983, LB 158A, Laws 1983, LB 199A, Laws 1983, LB 200A, Laws 1983, LB 204A, Laws 1983, LB 210A, Laws 1983, LB 213A, Laws 1983, LB 225A, Laws 1983, LB 234A, Laws 1983, LB 235A, Laws 1983, LB 254A, Laws 1983, LB 259A, Laws 1983, LB 273A, Laws 1983, LB 282A, Laws 1983, LB 302A, Laws 1983, LB 343A, Laws 1983, LB 356A, Laws 1983, LB 410A, Laws 1983, LB 439A, Laws 1983, LB 476A, Laws 1983, LB 539A, Laws 1983, LB 542A, Laws 1983, LB 571A, Laws 1983, LB 573A, Laws 1983, LB 579A, and Laws 1983, LB 585A; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 745	Wednesday, January 18, 1984	1:30
LB 746	Wednesday, January 18, 1984	1:30
LB 747	Wednesday, January 18, 1984	1:30

(Signed) Bill Barrett, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 886. By Kahle, 37th District.

A BILL FOR AN ACT relating to paupers and public assistance; to amend section 68-126, Revised Statutes Supplement, 1982, and sections 68-104, 68-131, and 68-137, Revised Statutes Supplement, 1983; to modify provisions relating to the administration of medical assistance; to require counties to establish the standard of need; to change provisions relating to eligibility for general assistance; to require reimbursement as prescribed; to provide for a right of subrogation; and to repeal the original sections.

LEGISLATIVE BILL 887. By DeCamp, 40th District.

A BILL FOR AN ACT relating to claims against the state; to amend sections 81-8,211, 81-8,213, 81-8,214, 81-8,219, 81-8,224, and 81-8,227, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,212, Revised Statutes Supplement, 1983; to provide an exemption for certain claims filed under the State Tort Claims Act; to harmonize provisions; to change provisions relating to limitations of actions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 888. By Sieck, 24th District; Hefner, 19th District.

A BILL FOR AN ACT relating to revenue and taxation; to provide a tax credit for the payment of certain wages as prescribed.

RESOLUTION

LEGISLATIVE RESOLUTION 237CA.

Introduced by Beutler, 28th District; V. Johnson, 8th District.

A Resolution to propose an amendment to Article III, sections 7 and 10, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at a special election in May 1985 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 7 and 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the general election to be held in November~~,~~ 1964~~,~~ one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When~~;~~ ~~Provided, that when~~ the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary as provided by law in an amount not to exceed one-third of the salary received by the Governor, except that if the members of the Legislature introduce more than a total of fifty bills limited as provided in section 10 of this article during the sixty-day legislative session, the salary of each member of the Legislature shall ~~of~~ not ~~to~~ exceed four hundred dollars per month during the ~~term of his office~~ following biennial session. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

Sec. 10. Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. New bills introduced during the regular session held in an even-numbered year shall be limited to bills which (1) appropriate money, (2) raise revenue, or (3) are of an emergency nature. A bill shall be deemed to be of an emergency nature if four-fifths of all members elected to the Legislature vote that such bill shall be introduced. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that members of the

Legislature shall receive a salary not to exceed one-third of the Governor's salary when a limited number of bills are introduced and to limit the introduction of bills during the regular session held in an even-numbered year.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 6, Section 1 & 2 and Rule 3, Section 4 (e) and place LB's 869 through 885 on General File.

Pending.

MOTION - Adjournment

Mr. Beutler moved to adjourn. The motion prevailed with 20 ayes, 6 nays, and 23 not voting, and at 3:25 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Monday, January 9, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 9, 1984

LEGISLATIVE JOURNAL

FOURTH DAY - JANUARY 9, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 9, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Palmer, Wesminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Carsten, Haberman, Hoagland, Lamb, Newell, Rupp, Vickers, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 172
January 5, 1984

Dear Senator Wesely:

You have asked what the definition of a Democrat, a Republican, and an Independent is in Nebraska. You have also asked whether or not a person needs to be registered to vote to be "legally" considered to be a Democrat, a Republican, or an Independent. You further indicate that, depending upon the nature of our response, you are considering proposing legislation to provide such definitions.

We are unaware of any statutory definition of these terms and we are likewise unaware of any instance wherein the Nebraska Supreme Court has defined them. We would assume that a person is a Republican or a

Democrat if they consider themselves to be affiliated with the Republican or Democratic parties. Likewise, we would assume that an Independent is one who does not claim affiliation with any political party.

With respect to your second question, we would be of the opinion that an elector would not need to be registered to vote to lawfully claim affiliation with the Democratic or Republican parties. As you are no doubt aware, Nebraska does not require any proof of such affiliation when one exercises the elective franchise.

There is some difference, however, between voting as an affiliate with a particular political party and running as a candidate claiming affiliation with a political party. In Nebraska in order to run as a candidate affiliated with a political party, the party must be a recognized party. Historically, the two major parties, Republican and Democrat, have been recognized and over the years various minor parties have achieved recognition, i.e., Populist, American, Libertarian, etc.

Achieving recognition as a minor party involves a statutory petitioning process and once recognized, as the two major parties have been, a party remains recognized until it fails to receive the percentage of the vote required by Neb.Rev.Stat. §32-521 (Reissue 1978).

We also suspect that there may be a difference from the perspective of the leadership of a particular political party between a person claiming to be a member of that party for purposes of exercising their right to vote and a person claiming to be a member of a party for purposes of running for elective office affiliated with that party. However, with respect to the questions you have posed, we do not believe there are any legal prerequisites to generally claiming affiliation with the Democratic or Republican parties. We also do not believe, as a matter of law, that it is necessary to have registered to vote to claim affiliation with any political party.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry Schaaf
Assistant Attorney General

TRS:jmh/L-8
cc: Patrick J. O'Donnell
Clerk of the Legislature

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1983 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Central Platte	
Cook & Kopf, P.C.	17,935.77
James I. Shamberg	5,107.04
Lower Platte North	
Sidner, Svoboda, Schilke	57,128.23
Upper Big Blue-Hladky legal	7,777.99
Wright Water Service	
Platte River Legal Information	3,821.68
General Reporting Service	3,765.13
National Wildlife Federation	838.60
Lower Loup	
Law Offices of J. Marvin Weems	1,137.70

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 889. By Nichol, 48th District; Vickers, 38th District; Pappas, 42nd District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2650, Reissue Revised Statutes of Nebraska, 1943; to extend the time limit for technical community college boards to levy certain taxes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 890. By Vickers, 38th District; Nichol, 48th District; Sieck, 24th District; Clark, 47th District; Eret, 32nd District; Pappas, 42nd District; Warner, 25th District; H. Peterson, 35th District; Chronister, 18th District; Hefner, 19th District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2637, Reissue Revised Statutes of Nebraska, 1943, and section 79-2651, Revised Statutes Supplement, 1982; to define and redefine terms; to provide for the allocation and distribution of funds as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 891. By Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; V. Johnson, 8th District; Landis, 46th District; Lundy, 36th District; Pappas, 42nd District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202.06, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1982; to change provisions relating to tax-exempt property; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 892. By Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; V. Johnson, 8th District; Landis, 46th District; Lundy, 36th District; Pappas, 42nd District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.01, Revised Statutes Supplement, 1983; to set income and sales tax rates; to change provisions relating to the setting of tax rates; to provide operative dates; and to repeal the original section.

LEGISLATIVE BILL 893. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to education; to provide intent; to provide an early retirement program for certain university faculty members; to create a fund; to provide for damages; and to provide an operative date.

LEGISLATIVE BILL 894. By Kilgarin, 7th District.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend sections 25-213, 44-2801, 44-2802, 44-2817, 44-2819 to 44-2829, 44-2831 to 44-2837, 44-2839 to 44-2841, 44-2844, 44-2848, 44-2854, and 44-2855, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to remove a credit against judgment; to remove joinder provisions; to change provisions relating to elections by minors to be covered under the act; to clarify which provisions apply to certain suits; to change requirements for proof of financial responsibility; to provide which health care providers shall qualify under the act; to change the maximum amount recoverable; to change limitation of actions provisions; to change provisions relating to attorney's fees; to change provisions relating to medical review panels; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 44-2818, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 895. By Beutler, 28th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2204, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to sentencing of offenders; to eliminate certain existing powers of a sentencing court; and to repeal the original section, and also sections 29-2204.01 and 83-1,105, Reissue Revised Statutes of Nebraska, 1943.

RESOLUTION

LEGISLATIVE RESOLUTION 238.

Introduced by V. Johnson, 8th District.

A Resolution to propose an amendment to Article VII, section 10, and the repeal of Article VII, section 13, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, and the repeal of Article VII, section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. ~~The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.~~

~~The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.~~

~~The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected~~

~~prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.~~ The general government and organization of all colleges, universities, and other postsecondary educational institutions which are supported by public funds shall be under the absolute and exclusive control of the Legislature. The Legislature shall recognize that a general diffusion of knowledge and intelligence is essential to the preservation of the rights and the liberties of the people and shall encourage the effective and efficient promotion of intellectual, scientific, technological, artistic, literary, agricultural, and social improvement to ensure that public institutions of higher education serve the interests of the citizens of Nebraska."

"That section 13 of Article VII of the Constitution of Nebraska is repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to eliminate the Board of Regents and vest the general government and organization of all state colleges, universities, and other institutions of postsecondary education under the direction and control of the Legislature.
>
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 482. Title read. Considered.

Standing Committee amendment, AM0600, found in the Journal on page 820 for the Fortieth Day, First Session, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mrs. Higgins renewed her pending amendment, AM1598, found in the Journal on page 175.

The Higgins amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 526. Title read. Considered.

Standing Committee amendments, AM0283, found in the Journal on page 830 for the Fortieth Day, First Session, were considered.

Mr. Wesely offered the following amendment to the Standing Committee amendments.
3. Strike section 6 and section 8.

The Wesely amendment was adopted with 23 ayes, 0 nays, 22 present and not voting, and 4 excused and not voting.

The Standing Committee amendments were adopted, as amended, with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:
1. On page 3, line 26, change "1983" to "1984".
2. On page 4, line 22, add the following language after the word "receive: "except that such statement need not be provided more than once in any twelve month period".
3. On page 11, line 21, change "1988" to "1989" and on page 11, line 22, change "1989" to "1990".
4. On page 13, line 7, add the following language after the word "receive": "except that such statement need not be provided more than once in any twelve month period".

The Beutler amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Haberman offered the following amendment:
In Sec 1, page 2 line 4 change "shall" to "may"

The Haberman amendment was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Wesely requested a record vote on the advancement of the bill.

Voting in the affirmative, 20:

Beutler
Kilgarin
Newell
Hannibal
Labedz
Nichol
Harris
Landis
Pirsch
Higgins
Marsh
Rupp
Johnson, R.
McDonald
Schmit

Scofield   Sieck   Vickers   Wesely   Withem

Voting in the negative, 20:

Barrett   Beyer   Carsten   Chronister   Clark
DeCamp   Fenger   Goll   Goodrich   Hefner
Jacobson   Johnson, L.   Kahle   Morehead   Peterson, H.
Peterson, R.   Remmers   Von Minden   Wagner   Warner

Present and not voting, 7:

Chambers   Eret   Haberman   Johnson, V.   Lamb
Lundy   Pappas

Excused and not voting, 2:

Abboud   Hoagland

Failed to advance to E & R for Review with 20 ayes, 20 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 226. Title read. Considered.

Standing Committee amendments, AM0597, found in the Journal on page 831 for the Fortieth Day, First Session, were adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. R. Peterson renewed his pending amendment, AM1580, found in the Journal on page 154.

The R. Peterson amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

MR. CLARK PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 12CA. Read. Considered.

Standing Committee amendments, AM0369, found in the Journal on page 838 for the Fortieth Day, First Session, were adopted with 26 ayes, 2 nays, 20 present and not voting, and 1 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Wesely requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 23:

Barrett
Beutler
Carsten
Eret
Goodrich
Hannibal
Higgins
Hoagland
Johnson, R.
Kilgarin
Labedz
Landis
Lundy
McDonald
Morehead
Newell
Nichol
Pappas
Rupp
Schmit
Sieck
Wesely
Withem

Voting in the negative, 24:

Abboud
Beyer
Chambers
Chronister
Clark
Fenger
Goll
Haberman
Harris
Hefner
Jacobson
Johnson, L.
Kahle
Lamb
Marsh
Peterson, H.
Peterson, R.
Pirsch
Remmers
Scofield
Vickers
Von Minden
Wagner
Warner

Absent and not voting, 1:

V. Johnson

Excused and not voting, 1:

DeCamp

Failed to advance to E & R for Review with 23 ayes, 24 nays, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LB 718 and LB 825. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 38A. By Wagner, 41st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 38, Eighty-eighth Legislature, Second Session, 1984.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered from May 26, 1983 through January 6, 1984. Further listings of additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Alexander, Hugh - Lincoln Information Technology, Inc. (Withdrawn 12/19/83)
Allan, Vernon A. - Scottsbluff American Association of Retired Persons United Telephone Company of the West (Withdrawn 11/30/83)
Ayres, Joseph W. - Lincoln General Instrument Corporation formerly American Totalisator Co. Negley, William H. (Withdrawn 11/17/83)
Babbitt, Ellis C. - Omaha Nebraska Credit Union League (Withdrawn 8/9/83)
Bartee, Robert D. - Omaha University of Nebraska (Withdrawn 8/25/83)
Boyton, Bill - Lincoln Nebraska State Education Association
Brakenhoff, Loren - Lincoln Coin Operated Industries of Nebraska (Withdrawn 6/1/83) District 30
Brasher, David E. - Des Moines, IA National Federation of Independent (Withdrawn 1/3/84) Business
Broman, Marvin E. - Lincoln Safety Council of Nebraska
Brown, Jim L. - Lincoln Nebraska Health Care Association (Withdrawn 8/27/83)
Buechler, Gerald B., Jr. - Lincoln Information Technology, Inc. (Withdrawn 12/19/83)
Buntain, David R. - Lincoln Nebraska Medical Association
Chapell, Debra A. - Lincoln Nebraska State Student Association
Corner, Robert - Lincoln State Employees for Fair Retirement

Crosby, Guenzel, Davis, Kessner & Kuester: Orton, Leroy W. - Lincoln American Express - Chiles Heider Better Nebraska Association IBPO Local 544 Nebraska Association of Resources Districts Seglin, Steven G. - Lincoln IBPO Local 544

Cutshall, Bruce A. - Lincoln First Savings Company of Lincoln (Withdrawn (7/27/83) Nelson & Harding (Withdrawn 12/31/83)

Dennis, Michael E. - Lincoln Nebraska Water Conservation Council

Dunlevy, James E. - Lincoln National Association of Theatre (Withdrawn 8/31/83) Owners of Nebraska

Eades, Robert V. - Omaha Nebraska Credit Union League, Inc.

Eberly, Carolyn S. - Lincoln State Employees for Fair Retirement

Ellerbee, Don - Hastings Garey Management Organization, Inc.

Erickson, Sederstrom, Leigh, Eisenstatt, Johnson, Kinnamon, Koukol & Fortune, P.C.: Stenberg, Don - Lincoln Nebraska Land Title Association (Withdrawn 11/9/83) Thone, Charles - Lincoln General Instrument Corporation

Fischer, Thomas B. - Lincoln First Savings Company of Lincoln (Withdrawn 8/1/83)

Ford, Charles H. - Denver, CO Great Western Sugar Company

Gillan, Gerald P. - Lincoln Southeast Community College Faculty Association

Goc, John J. - Lincoln International Game Technology

Goldenstein, Ron - Lincoln Nebraska State Education Association

Gordon, Alex - Lincoln Nebraska State Education Association

Green, John K. - Omaha Nelson & Harding (Withdrawn 8/15/83)

Griess, Jim - Lincoln Nebraska State Education Association

Griffin, William T. - Littleton, CO Sandoz Pharmaceutical

Harding, William A. - Lincoln Information Technology, Inc. (Withdrawn 12/19/83)

Hart, Jack - Lincoln City of Lincoln

Hassebrook, Chuck - Walthill Center for Rural Affairs

Herman, Charles - Chicago Ford Motor Company (Withdrawn 6/29/83)

Hockley, Sandra D. - Lincoln Nebraska Health Care Association

Howard, David M. - Omaha Nebraska Association of Area (Withdrawn 9/23/83) Agencies on Aging Nebraska Association of Public Employees Nebraska State Student Association Nebraskans Against the Death Penalty

Hughes, J. Michael - Lincoln Lincoln Beverage Association (Withdrawn 6/14/83)

Jeffries, Kathleen T. - Omaha Junior League of Omaha (Withdrawn 6/8/83)

Johnston, Thomas S. - Lincoln Nebraska Technical Community College Association

Jones, Jerry - Lincoln Nebraska State Education Association

Kinsey, Sandra - Lincoln Nebraska Realtors Association

Knudsen, Berkheimer, Richardson & Endacott: Beverage, Roger M. - Lincoln Nebraska Hearing Aid Dealers Assoc. (Withdrawn 1/3/84) Metcalf, Paula J. - Lincoln American Express Company Great Western Sugar Company Nebraska Hearing Aid Dealers Assoc. Nebraska Mortgage Association Nebraska State Bar Association Nebraska State Pest Control Assoc. Nebraska Wholesale Suppliers Assoc. Ruth, Larry L. - Lincoln American Express Company Nebraska Mortgage Association Nebraska State Pest Control Assoc.

Kriha, Jerry - Lincoln Nebraska State Education Association

Lang, Shirley - Lincoln Nebraska Coalition for Life

Langland, Karen - Council Bluffs,IA Peoples Natural Gas Company (Withdrawn 8/16/83)

Larson, Susan - Lincoln Nebraska Farm Bureau Federation

Leland, Kenneth - Lincoln Nebraska Deposit Action Committee

Lombardi, Richard A. - Lincoln Nebraska Association of Public Employees Nebraska State Student Association

MacDowell, L.J. - Lincoln Nebraska Rural Community Schools (Withdrawn 4/1/83) Association

MacLean, James F. - Lincoln Bankers Life Insurance Company of Nebraska

Martin, Tom - Lincoln Nebraska State Education Association

McDaniel, Douglas J. - Lincoln Nebraska Society for Respiratory Therapy

McDonald, Gordon, L. - Omaha Nebraska State AFL-CIO (Withdrawn 8/31/83

Mihovk, Donald - Council Bluffs,IA Peoples Natural Gas Company (Withdrawn 9/23/83)

Mills, Jack D. Lincoln Nebraska County Attorneys Association

Morgan, James J. - Lincoln Disabled American Veterans, (Withdrawn 5/22/83) Department of Nebraska

Morton, Glenn W., Jr. - Lincoln Safety Council of Nebraska (Withdrawn 7/29/83)

Moylan, James H. - Omaha Nebraska Association of County Officials (Withdrawn 12/6/83)

Oberg, Jon H. - Lincoln Association of Independent Colleges & Universities of NE (AICUN)

O'Hara, Paul V. - Lincoln Bethphage Mission, Inc. Martin Luther Home Society, Inc. Nebraska Chapter of National Society for Children & Adults with Autism Scottsbluff Public Schools

O'Reilly, T. Mark - Denver, CO Independent Petroleum Association (Withdrawn 4/22/83) of Mountain States

Orton, Lee - Lincoln Nebraska Association of Resources (Withdrawn 1/4/83) Districts

Palmer, Steven C. - Lincoln Webcraft Games
Pratt, Barbara J. - Lincoln Nebraska Technical Community College Association
Rasmussen, Dennis - Lincoln Nebraska Health Care Association (Withdrawn 1/1/84) Nebraska LP-Gas Association Nebraska Medical Association (Withdrawn 1/1/84)
Rednour, Hubert E. - Lincoln Disabled American Veterans, Dept. of Nebraska
Rembolt, James E. - Lincoln Bankers Life Insurance Company of Nebraska
Reynolds, Horace H., IV - Omaha Nebraska Credit Union League, Inc.
Ridenour, Brian K. - Lincoln Information Technology, Inc. (Withdrawn 12/19/83)
Rierden, J. Michael - Lincoln Gordon Synhorst
Roberts, Noel - Lincoln Nebraska State Education Association
Rogge, Robert R. - Lincoln Lincoln Education Association
Ryan, James E. - Lincoln Coin Operated Industries of NE (Withdrawn 10/31/83) Coldwell Banker Residential Group, Inc. (Withdrawn 7/1/83) Educational Investors, Inc. (Withdrawn 7/1/83) Nebraska Association of Candy & Tobacco Distributors formerly Nebraska Association of Tobacco Distributors Nebraska Society of Certified Public Accountants Newco Investments, Inc. (Withdrawn 7/1/83)
Schwartze, L. J. "Rusty" - Lincoln Nebraska State Home Builders Assoc.
Searcy, Don - Lincoln Nebraska Realtors Association (Withdrawn 10/27/83)
Sears, Jay - Lincoln Nebraska State Education Association
Sedlacek, Ronald J. - Lincoln National Federation of Independent Business Nebraska Bankers Association
Shafer, Peg - Lincoln Lincoln Education Association
Shaw, Marilynn K. - Lincoln Nebraska Realtors Association (Withdrawn 6/30/83)
Sibley, Stan - Lincoln Lincoln Education Association (Withdrawn 6/1/83)
Stading, Donald R. - Lincoln Bankers Life Insurance Company of (Withdrawn 8/19/83) Nebraska
Stone, Fred R. - Lincoln Associated Credit Bureaus of Nebraska (Withdrawn 1/1/84) Nebraska Collectors Association, Inc. (Withdrawn 1/1/84)
Tews & Radcliffe: Radcliffe, Walter H. - Lincoln Nebraska Financial Services Assoc. formerly Nebraska Consumer Credit Association Nebraska Mortgage Association (Withdrawn 9/1/83) Nebraskans for Sensible Abstract Laws (Withdrawn 12/6/83) R. J. Reynolds Tobacco Company
Thomas, Deborah L. - Lincoln City of Lincoln (Withdrawn 5/26/83)

Tinsley, Rhonda - Lincoln Nebraska State Education Association
Todd, A. Loy, Jr. - Lincoln Nebraska Financial Services formerly Nebraska Consumer Credit Assoc.
Vanderveen, June - Lincoln Nebraska State Education Association
Vuchetich, Patrick J. - Lincoln Nebraska Association of County Officials
Wallis, Gerald L. - Omaha Christian Science Committee on Publication for Nebraska
Whelan, Gerald - Hastings ALCAN
White, Mary - Lincoln Nebraska Bankers Association
Wilwerding, Ron C. - Omaha Nebraska Collector's Assoc., Inc.
Wreed, V. Delight - Lincoln Nebraska Health Care Association

UNANIMOUS CONSENT - Member Excused

Mr. V. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Education

LB 644	Monday, January 16, 1984	1:30 p.m.
LB 749	Monday, January 16, 1984	1:30 p.m.
LB 668	Monday, January 16, 1984	1:30 p.m.
LB 645	Tuesday, January 17, 1984	1:30 p.m.
LB 665	Tuesday, January 17, 1984	1:30 p.m.
LB 721	Tuesday, January 17, 1984	1:30 p.m.
LB 768	Tuesday, January 17, 1984	1:30 p.m.
LB 787	Tuesday, January 17, 1984	1:30 p.m.

(Signed) Tom Vickers, Chairperson

MOTION - Withdraw LB 646

Mr. Haberman moved to withdraw LB 646.

Laid over.

MOTION - Withdraw LB 656

Mr. Haberman moved to withdraw LB 656.

Laid over.

ANNOUNCEMENT

Mr. Haberman announced the Agriculture and Environment Committee will hold an Executive Session on Wednesday, January 11, 1984, immediately following adjournment for lunch. The Committee will meet in Room 1520.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 896. By Marsh, 29th District.

A BILL FOR AN ACT relating to advisory zoning committees; to repeal section 19-3101, Reissue Revised Statutes of Nebraska, 1943; and to eliminate such committees.

LEGISLATIVE BILL 897. By Wagner, 41st District.

A BILL FOR AN ACT relating to the Department of Water Resources; to amend sections 46-210 and 46-212, Reissue Revised Statutes of Nebraska, 1943, and sections 31-410.01 and 46-209, Revised Statutes Supplement, 1982; to eliminate provisions relating to approval of plans for proposed drainage districts; to harmonize provisions; and to repeal the original sections, and also section 46-211, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 898. By Vickers, 38th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-125, 71-175, 71-179, 71-185, 71-193.04, 71-195, 71-1,104, 71-1,135, 71-1,139, 71-1,158, 71-1,190, 71-1327, 71-2705, 71-2803, 71-3705, and 71-3811, Reissue Revised Statutes of Nebraska, 1943, and section 71-1,145, Revised Statutes Supplement, 1983; to eliminate certain requirements for professional and occupational licenses; to change provisions relating to when an application may be filed or an examination may be taken; and to repeal the original sections, and also section 71-103, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 899. By DeCamp, 40th District.

A BILL FOR AN ACT relating to financial institutions; to amend sections 21-1320.01 and 21-17,120.02, Revised Statutes Supplement, 1982, and sections 8-407.03 and 8-702, Revised Statutes Supplement, 1983; to place duties on financial institutions as prescribed; to harmonize provisions; to repeal the original sections, and also section 8-301.01, Revised Statutes Supplement, 1982; and to declare an emergency.

LEGISLATIVE BILL 900. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; Barrett, 39th District; McDonald, 31st District; R. Peterson, 21st District; Rupp, 22nd District; Wesely, 26th District; Withem, 14th District.

A BILL FOR AN ACT relating to barbering; to amend section 71-204, Revised Statutes Supplement, 1983; to prescribe qualifications for receiving a certificate of registration to practice barbering; and to repeal the original section.

LEGISLATIVE BILL 901. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; Barrett, 39th District; McDonald, 31st District; R. Peterson, 21st District; Rupp, 22nd District; Wesely, 26th District; Withem, 14th District.

A BILL FOR AN ACT relating to the State Energy Office; to state intent; to require a program of weatherization assistance activities; to provide powers and duties; and to provide for the transfer of certain federal funds as prescribed.

LEGISLATIVE BILL 902. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; Barrett, 39th District; McDonald, 31st District; R. Peterson, 21st District; Rupp, 22nd District; Wesely, 26th District; Withem, 14th District.

A BILL FOR AN ACT relating to health services; to amend sections 21-1512, 44-513, and 44-749, Reissue Revised Statutes of Nebraska, 1943, and section 44-1525, Revised Statutes Supplement, 1982; to authorize insurance arrangements for health services with preferred providers; to define terms; to provide exceptions; to harmonize provisions; to provide for severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 903. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; Barrett, 39th District; McDonald, 31st District; R. Peterson, 21st District; Rupp, 22nd District; Wesely, 26th District; Withem, 14th District.

A BILL FOR AN ACT relating to health care; to amend section

71-2049, Revised Statutes Supplement, 1982; to adopt the Uniform Billing and Data Collection Act; to harmonize provisions; to provide a penalty; to provide for severability; and to repeal the original section.

LEGISLATIVE BILL 904. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; Barrett, 39th District; McDonald, 31st District; R. Peterson, 21st District; Rupp, 22nd District; Wesely, 26th District; Withem, 14th District.

A BILL FOR AN ACT relating to medical assistance benefits; to change provisions relating to contracts with certain vendors; to change powers and duties for the Director of Social Services; to provide for severability; to repeal section 68-127, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 905. By Wesely, 26th District; Rupp, 22nd District; Schmit, 23rd District; V. Johnson, 8th District; Newell, 13th District; McDonald, 31st District; Hoagland, 6th District; Warner, 25th District; Withem, 14th District.

A BILL FOR AN ACT relating to medical assistance; to provide requirements for certain medication programs; to provide for severability; and to declare an emergency.

LEGISLATIVE BILL 906. By Wesely, 26th District; Rupp, 22nd District; Schmit, 23rd District; V. Johnson, 8th District; Newell, 13th District; McDonald, 31st District; Warner, 20th District; Hoagland, 6th District; Withem, 14th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5830 and 71-5853, Revised Statutes Supplement, 1982; to change provisions relating to issuing certificates of need; to change provisions relating to certificate of need criteria; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 907. By Wesely, 26th District.

A BILL FOR AN ACT relating to health insurance; to amend sections 77-908 and 77-909, Reissue Revised Statutes of Nebraska, 1943; to adopt the Catastrophic Health Insurance Pool Act; to change provisions relating to taxation of certain insurers; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 908. By Goodrich, 20th District.

A BILL FOR AN ACT relating to schools; to amend section 79-801, Revised Statutes Supplement, 1983; to provide intent; to change provisions relating to the platting and annexation by cities or villages of property lying within the cities' jurisdictions; to provide for negotiations; and to repeal the original section.

LEGISLATIVE BILL 909. By Vickers, 38th District; Pappas, 42nd District.

A BILL FOR AN ACT to amend sections 32-419, 32-420.01, 32-509, 32-528, and 32-530, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to change provisions relating to primary elections as prescribed; to change the form of primary election ballots; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 910. By Withem, 14th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-710, Reissue Revised Statutes of Nebraska, 1943, and section 31-741, Revised Statutes Supplement, 1982; to change provisions relating to the public letting of contracts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 911. By Urban Affairs Committee: Newell, 13th District, Chairperson; Fenger, 45th District; Haberman, 44th District; Higgins, 9th District; Remmers, 1st District; Rupp, 22nd District; Scofield, 49th District; Vickers, 38th District.

A BILL FOR AN ACT relating to landfills; to provide public policy; to authorize certain public entities to enter into agreements with landfill operators as prescribed; to provide an exemption; and to state intent.

LEGISLATIVE BILL 912. By McDonald, 31st District.

A BILL FOR AN ACT relating to motor vehicles; to require the ownership of automobile liability coverage prior to registration of certain motor vehicles as prescribed.

LEGISLATIVE BILL 913. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; Barrett, 39th District; McDonald, 31st District; R. Peterson, 21st District; Rupp, 22nd District; Wesely, 26th District; Withem, 14th District.

A BILL FOR AN ACT relating to community action agencies; to provide intent; to define terms; to provide duties; to provide for allocation of funds; and to declare an emergency.

LEGISLATIVE BILL 914. By Vickers, 38th District; Labedz, 5th District.

A BILL FOR AN ACT relating to handicapped children; to amend section 43-604, Revised Statutes Supplement, 1982; to define a term; and to repeal the original section.

LEGISLATIVE BILL 507A. By Beutler, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 507, Eighty-eighth Legislature, Second Session, 1984.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 817 - 865. LB 720 has been re-referred from Government, Military and Veterans Affairs to Public Health and Welfare.

LB	**Committee**
LB 720	Public Health and Welfare
LB 817	Revenue
LB 818	Public Works
LB 819	Government, Military & Veterans Affairs
LB 820	Miscellaneous Subjects
LB 821	Judiciary
LB 822	Public Health and Welfare
LR 233	Constitutional Revision and Recreation
LR 234	Constitutional Revision and Recreation
LB 823	Public Health and Welfare
LR 235	Constitutional Revision and Recreation
LB 824	Agriculture and Environment
LB 825	Public Works
LB 826	Government, Military & Veterans Affairs
LB 827	Appropriations
LB 828	Judiciary
LB 829	Business and Labor
LB 830	Revenue
LB 831	Revenue
LB 832	Business and Labor
LB 833	Revenue
LB 834	Revenue
LB 835	Revenue
LR 236	Constitutional Revision and Recreation
LB 836	Miscellaneous Subjects

LB 837	Urban Affairs
LB 838	Appropriations
LB 839	Public Health and Welfare
LB 840	Public Health and Welfare
LB 841	Appropriations
LB 842	Banking, Commerce and Insurance
LB 843	Government, Military and Veterans Affairs
LB 844	Education
LB 845	Judiciary
LB 846	Judiciary
LB 847	Judiciary
LB 848	Judiciary
LB 849	Judiciary
LB 850	Education
LB 851	Business and Labor
LB 852	Public Works
LB 853	Public Works
LB 854	Judiciary
LB 855	Nebraska Retirement Systems
LB 856	Judiciary
LB 857	Education
LB 858	Education
LB 859	Revenue
LB 860	Public Health and Welfare
LB 861	Public Works
LB 862	Revenue
LB 863	Miscellaneous Subjects
LB 864	Public Works
LB 865	Judiciary

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

GENERAL FILE

LEGISLATIVE BILL 218. Title read. Considered.

Standing Committee amendments, AM0625, found in the Journal on page 866 for the Forty-First Day, First Session, were considered.

Mr. Wesely renewed his pending amendment, AM1616, found in the Journal on page 227.

The Wesely amendment was adopted with 10 ayes, 1 nay, 36 present and not voting, and 2 excused and not voting.

The Standing Committee amendments were adopted, as amended, with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

SPEAKER NICHOL PRESIDING

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 222. Title read. Considered.

Mr. Wesely asked unanimous consent to have LB 222 laid over. No objections. So ordered.

Messrs. Haberman, Pappas, R. Johnson, and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 300. Title read. Considered.

Standing Committee amendment, AM0646, found in the Journal on page 832 for the Forty-Second Day, First Session, were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 416. Title read. Considered.

Standing Committee amendment, AM0554, found in the Journal on page 919, for the Forty-Third Day, First Session, were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 416A. Title read. Considered.

Mr. Fenger offered the following amendment:
On page 2 in line 2 strike "three thousand eight" and insert "four thousand one"; in line 3 strike "1983" and insert "1984," strike "1984" and insert "1985," and "one" and insert "two"; in line 4 strike "eight" and insertone"; in line 5 strike "1984" and insert "1985" and strike

"1985" and insert "1986."

The Fenger amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 845	Monday, January 16, 1984	1:30 p.m.
LB 657	Monday, January 16, 1984	1:30 p.m.
LB 685	Monday, January 16, 1984	1:30 p.m.
LB 696	Tuesday, January 17, 1984	1:30 p.m.
LB 854	Tuesday, January 17, 1984	1:30 p.m.
LB 695	Tuesday, January 17, 1984	1:30 p.m.
LB 703	Wednesday, January 18, 1984	1:30 p.m.
LB 673	Wednesday, January 18, 1984	1:30 p.m.
LB 650	Wednesday, January 18, 1984	1:30 p.m.
LB 803	Wednesday, January 18, 1984	1:30 p.m.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Goll asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 744. No objections. So ordered.

Mr. McDonald asked unanimous consent to have his name added as co-introducer to LB 14. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 915. By Hefner, 19th District.

A BILL FOR AN ACT relating to horse racing; to amend section 2-1221, Revised Statutes Supplement, 1982; to change provisions relating to wagering; and to repeal the original section.

VISITORS

Visitors to the Chamber were thirty 9th grade students from Robin Mickle school and their teacher.

RECESS

At 11:56 a.m., on a motion by Mr. Sieck, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Carsten, Chambers, Clark, DeCamp, Haberman, V. Johnson, Lamb, R. Peterson, Schmit, Vickers, and Warner, Mesdames Kilgarin, Labedz, Marsh, Morehead and Pirsch who were excused until they return.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Barrett asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 49. Placed on Select File as amended.
AM5168
E & R amendments to LB 49:

1. In order to give effect to the committee amendments that were adopted on January 5, 1984:

(a) On page 2, line 25, reinstate "~~general manager~~" and strike "chief executive"; and strike lines 26 and 27;

(b) On page 3, line 1, strike the new matter; in line 2 reinstate the stricken matter and after the reinstated "~~He~~" insert "or she"; and in line 3 reinstate the stricken matter; and

(c) On page 4, in lines 6, 8, and 13 through 15, strike the new matter.

LEGISLATIVE BILL 492. Placed on Select File as amended.

E & R amendments to LB 492:
AM5169

1. Because of the amendment of section 33-125 by Laws 1983, LB 2, section 1, strike original section 1 and insert the following new section:

"Section 1. That section 33-125, Revised Statutes Supplement, 1983, be amended to read as follows:

33-125. In probate matters the county court shall be entitled to receive the following fees: (1) For (a) the informal probate of a will or informal appointment of a personal representative, or both, or (b) the determination of intestacy and heirs without requesting the appointment of an administrator, or (c) summary proceedings in small estates under sections 30-24,127 and 30-24,128, or (d) adjudication of a contested claim, or (e) any other proceeding under the Nebraska Probate Code for which no court fee is established by statute, twenty dollars; and (2) for all proceedings relating to the formal settlement of the estate of a deceased person where the value does not exceed one thousand dollars, twenty dollars; where the value exceeds one thousand dollars and is not more than two thousand dollars, thirty dollars; where the value exceeds two thousand dollars and is not more than five thousand dollars, fifty dollars; where the value exceeds five thousand dollars and is not more than ten thousand dollars, seventy dollars; where the value exceeds ten thousand dollars and is not more than twenty-five thousand dollars, eighty dollars; where the value exceeds twenty-five thousand dollars and is not more than fifty thousand dollars, one hundred dollars; where the value exceeds fifty thousand dollars and is not more than seventy-five thousand dollars, one hundred twenty dollars; where the value exceeds seventy-five thousand dollars and is not more than one hundred thousand dollars, one hundred sixty dollars; where the value exceeds one hundred thousand dollars and is not more than one hundred and twenty-five thousand dollars, two hundred and twenty dollars; where the value exceeds one hundred and twenty-five thousand dollars and is not more than one hundred and fifty thousand dollars, two hundred and fifty dollars; where the value exceeds one hundred and fifty thousand dollars and is not more than one hundred and seventy-five thousand dollars, two hundred and seventy dollars; where the value exceeds one hundred and seventy-five thousand dollars and is not more than two hundred thousand dollars, three hundred dollars; where the value exceeds two hundred thousand dollars and is not more than three hundred thousand dollars, three hundred and fifty dollars; where the value exceeds three hundred thousand dollars and is not more than four hundred thousand dollars, four hundred dollars; where the value exceeds four hundred thousand dollars and is not more than five hundred thousand dollars, five hundred dollars; where the value exceeds five hundred thousand dollars and is not more than seven hundred and fifty thousand dollars, six hundred dollars; where the value exceeds seven hundred and fifty thousand dollars and is not more than one million dollars, seven hundred dollars; where the value exceeds one million dollars and is not more than two million five hundred thousand dollars, eight hundred dollars; where the value exceeds two million five hundred thousand dollars and is not more than five million dollars, one thousand dollars; and on all estates where the value exceeds five million dollars, one thousand five hundred dollars.

The above fees shall be based on the gross value of the estate, including both real and personal property. The gross value shall mean the actual value of the estate less liens~~,~~ and shall be determined as of the time of the death. Such fees shall be in full for any and all services to be performed by the court in the settlement of an estate wherein no contest arises~~,~~ and no additional fees shall be charged for services performed in connection with petitions, hearing, and orders in the course of such administration. The same shall include one certified copy of each order or instrument made for record in the office of the county clerk or register of deeds. In other cases where it shall be necessary to copy instruments, the county court shall be allowed the fees provided in section 33-126.05. There shall be credited against the fees specified in subdivision (2) of this section any fees previously paid for probate matters relating to the estate of such deceased person. In all estates in which it becomes necessary to reappoint an executor, administrator, or personal representative after his or her authority to act terminates or appoint a special administrator, ~~thirty~~ twenty dollars shall be allowed for making such appointment. In all cases where a petition for probate of will~~,~~ or appointment of an administrator, special administrator, personal representative, guardian, or trustee~~,~~ or any other petition for an order in probate matters is filed and no appointment is made or order entered and ~~said~~ the cause is dismissed, the fee shall be ten dollars. In formal proceedings pursuant to the provisions of Chapter 30, article 25, the fees provided under this section shall be based upon the value of all property present in Nebraska at the time of death. No fee shall be charged for filings in probate matters in the absence of a request for a court order or other court proceedings thereon. All proceedings which are commenced as formal proceedings or which are determined by the court to be formal proceedings shall be subject to the fees prescribed in subdivision (2) of this section.".

2. On page 1, line 1, after "ACT" insert "relating to fees;" and strike "33-125,"; and in line 3 strike "relating to fees" and insert "and section 33-125, Revised Statutes Supplement, 1983".

3. On page 8, line 24, strike "33-125,"; and in line 26 after "1982," insert "and section 33-125, Revised Statutes Supplement, 1983,".

LEGISLATIVE BILL 333. Placed on Select File as amended.
E & R amendments to LB 333:
AM5170

1. On page 1, line 2, strike "Class V".

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 540. Title read. Considered.

Standing Committee amendments, AM0633, found in the Journal on page 920 for the Forty-Third Day, First Session, were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 510. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not

voting, and 9 excused and not voting.

LEGISLATIVE BILL 403. Title read. Considered.

Standing Committee amendments, AM0760, found in the Journal on page 1025 for the Forty-Seventh Day, First Session, were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Messrs. Kahle and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Rupp offered the following amendment:
AM1618

1. On page 7, after line 6, insert:

"There is hereby created in the state treasury a cash fund to be known as the Nebraska State Patrol Criminal Investigation Cash Fund which shall be used for the enforcement of any state law relating to felonies. Any money in the Criminal Investigation Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

The Rupp amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 403A. Title read. Considered.

Mr. Rupp offered the following amendment:

On page 1, in line 3, strike "First" and insert "Second" and strike "1983" and insert "1984".

On page 2, in line 2, strike "thirteen thousand eight hundred twenty-nine" and insert "thirteen thousand nine hundred seventy"; in line 3, strike "1983" and insert "1984"; in line 4, strike "1984" and insert "1985" and strike "thirteen thousand eight hundred twenty-nine" and insert "thirteen thousand nine hundred seventy"; in line 5, strike "1984" and insert "1985"; in line 6, strike "1985" and insert "1986"; in line 8, strike "First" and insert "Second" and strike "1983" and insert "1984"; in line 14, strike "thirteen thousand eight hundred twenty-nine” and insert “thirteen thousand nine hundred seventy”; in line 15, strike “1983” and insert1984” and strike “1984” and insert “1985”; in line 16, strike “thirteen thousand eight hundred twenty-nine” and insert “thirteen thousand nine hundred seventy”; in line 17, strike “1984” and insert “1985” and strike “1985” and insert “1986”.

The Rupp amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 507. Title read. Considered.

Standing Committee amendment, AM0762, page 1026 found in the Journal on the Forty-Seventh Day, First Session, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Beutler offered the following amendment:
AM1620

1. On page 2, line 4, strike “two”, show as stricken, and insert “three”; and strike beginning with “In” in line 7 through the period in line 11 and show the old matter as stricken.

The Beutler amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 360. Mr. DeCamp asked unanimous consent to pass over LB 360. No objections. So ordered.

LEGISLATIVE RESOLUTION 20CA. Title read. Considered.

Standing Committee amendments, AM0804, found in the Journal on page 1034 for the Forty-Eighth Day, First Session, were considered.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendments were adopted with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

Mr. Chambers moved to indefinitely postpone LR 20.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 9:

Chambers Fenger Hannibal Johnson, R. Marsh
Morehead Pirsch Vickers Withem

Voting in the negative, 29:

Abboud Barrett Beutler Beyer Carsten
Clark Goll Goodrich Harris Higgins
Jacobson Johnson, L. Johnson, V. Kilgarin Labedz
Landis Lundy McDonald Newell Nichol
Pappas Peterson, H. Peterson, R. Remmers Rupp
Sieck Von Minden Warner Wesely

Present and not voting, 5:

Chronister DeCamp Eret Hoagland Schmit

Excused and not voting, 6:

Haberman Hefner Kahle Lamb Scofield
Wagner

The Chambers motion to indefinitely postpone lost with 9 ayes, 29 nays, 5 present and not voting, and 6 excused and not voting.

Mr. Chambers requested a record vote of the advancement of the resolution.

Voting in the affirmative, 30:

Abboud Barrett Carsten Chronister DeCamp
Goll Goodrich Harris Hefner Higgins
Hoagland Jacobson Johnson, L. Kilgarin Labedz
Landis Lundy McDonald Newell Nichol
Pappas Peterson, H. Peterson, R. Remmers Rupp
Scofield Sieck Von Minden Warner Wesely

Voting in the negative, 7:

Chambers Hannibal Johnson, R. Johnson, V. Morehead
Pirsch Withem

Present and not voting, 8:

Beutler Beyer Clark Eret Fenger
Marsh Schmit Vickers

Excused and not voting, 4:

Haberman Kahle Lamb Wagner

Advanced to E & R for Review with 30 ayes, 7 nays, 8 present and not voting, and 4 excused and not voting.

Messrs. Pappas and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 719 in the Journal. No objections. So ordered.

AM1604

1. Insert the new sections as follows:

"Sec. 4. The Legislature hereby finds that the issuing of personalized license plates to each member of the Legislature would be of benefit to the citizens of the state by allowing them to identify their representative in the Legislature and therefore promotes a worthwhile public purpose.

Sec. 5. In lieu of license plates issued under sections 60-311 and 60-311.10 the Department of Motor Vehicles shall issue one set of personalized license plates for passenger vehicles and for commercial trucks registered for four tons gross weight or less to each member of the Legislature. The license plates shall include the letters SEN followed by the number of the district the member represents. The name of the member shall appear on the license plates in the manner prescribed by the Director of Motor Vehicles. Such license plates shall be issued within sixty days following commencement of the member's term and shall remain valid until the term is completed. New license plates shall be issued at least every four years. The Department of Motor Vehicles shall charge a fee for issuing such license plates equal to the fee charged for plates issued under section 60-311.".

2. On page 3, line 1, strike "This" and insert "Sections 1 to 3 of".

3. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 51. Indefinitely postponed.
LEGISLATIVE BILL 61. Indefinitely postponed.
LEGISLATIVE BILL 517. Indefinitely postponed.

(Signed) George Fenger, Chairperson

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 851	Wednesday, January 18, 1984	1:30 p.m.
LB 776	Wednesday, January 25, 1984	1:30 p.m.
LB 765	Wednesday, January 25, 1984	1:30 p.m.
LB 651	Wednesday, January 25, 1984	1:30 p.m.

(Signed) Bill Barrett, Chairperson

Government, Military & Veterans Affairs

LB 720	Thursday, January 19 (Cancelled)	1:30 p.m.
LB 843	Thursday, January 19	1:30 p.m.

(Signed) David Landis, Chairperson

Revenue

LB 660	Monday, January 16, 1984	1:30 p.m.
LB 795	Monday, January 16, 1984	1:30 p.m.
LB 833	Monday, January 16, 1984	1:30 p.m.
LB 835	Monday, January 16, 1984	1:30 p.m.

(Signed) Calvin Carsten, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 916. By Landis, 46th District.

A BILL FOR AN ACT to adopt the Mobile Home Landlord and Tenant Act.

LEGISLATIVE BILL 917. By Warner, 25th District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend sections 48-817, 48-818, and 48-819, Revised Statutes Supplement, 1982; to require legislative approval of certain commission orders; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 918. By Pappas, 42nd District.

A BILL FOR AN ACT relating to the Documentary Stamp Tax Act; to amend section 76-902, Revised Statutes Supplement, 1983; to change a certain exemption; and to repeal the original section.

LEGISLATIVE BILL 919. By Morehead, 30th District.

A BILL FOR AN ACT relating to banking; to amend section 4-212, Uniform Commercial Code; to change provisions relating to reversal of provisional settlements; and to repeal the original section.

LEGISLATIVE BILL 920. By Morehead, 30th District.

A BILL FOR AN ACT relating to elections; to amend sections 10-702, 19-3019, 19-3051, 23-343.52, 32-221, 32-419, 32-499, 32-4,150, 32-4,153, 32-1306, 32-1308, 32-1309, 53-122, 79-547.01, and 79-605, Reissue Revised Statutes of Nebraska, 1943, and sections 10-703.01, 23-343.125, 32-4,154, and 32-1241, Revised Statutes Supplement, 1982; to adopt the Absentee Voters Act; to permit disabled voters to vote on absentee ballots; to eliminate disabled voters' ballots; to change provisions relating to voter registration; to harmonize provisions; to define an offense; to provide penalties; and to repeal the original sections, and also sections 32-801, 32-803.01, 32-806, 32-807.01, 32-808, 32-810, 32-813, 32-815.01 to 32-815.05, 32-818, 32-820 to 32-823, and 32-826, Reissue Revised Statutes of Nebraska, 1943, and sections 32-803, 32-812, 32-815, and 32-819, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 921. By Newell, 13th District; Withem, 14th District; V. Johnson, 8th District; Hannibal, 4th District; Kilgarin, 7th District.

A BILL FOR AN ACT relating to educational services; to amend section 80-403, Reissue Revised Statutes of Nebraska, 1943; to require the providing of certain services to veterans and certain other persons associated with the military service; and to repeal the original section.

LEGISLATIVE BILL 922. By Newell, 13th District.

A BILL FOR AN ACT relating to technical community colleges; to amend sections 32-4,101, 32-4,104, 32-512, 77-3422 to 77-3424, 77-3430, 79-1254.09, 81-1118.02, 85-195, 85-902, and 85-965, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1254.02, 79-2650.07, 79-2651, and 79-3002, Revised Statutes Supplement, 1982; to create a state technical community college system; to provide intent; to define terms; to create a board; to provide powers and duties; to harmonize provisions; to change provisions relating to budget limitations as prescribed; to change a termination date as prescribed; to provide for appropriations; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 79-2636 to 79-2641, 79-2643, 79-2644, 79-2646 to 79-2650, 79-2650.03, 79-2650.06, 79-2653, and 79-2662, Reissue Revised Statutes of Nebraska, 1943, and section 79-2651.02, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 923. By L. Johnson, 15th District.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1983; to provide the same advantages as federal savings and loan associations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 924. By Education Committee: Vickers, 38th District, Chairperson; Eret, 32nd District; Goll, 16th District; Hoagland, 6th District; Newell, 13th District;

A BILL FOR AN ACT relating to handicapped children; to provide intent; to coordinate agency services as provided; to create a committee; and to provide powers and duties.

LEGISLATIVE BILL 925. By Urban Affairs Committee: Newell, 13th District, Chairperson; Fenger, 45th District; Remmers, 1st District; Rupp, 22nd District; Vickers, 38th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-761, Reissue Revised Statutes of Nebraska, 1943, sections 31-727, 31-741, and 31-771, Revised Statutes Supplement, 1982, and section 31-755, Revised Statutes Supplement, 1983; to allow counties and municipalities to assume responsibility for maintaining certain streets, roads, and sewers; to change provisions relating to the organization of a district; to limit the powers of a district as prescribed; to change provisions relating to letting contracts of sanitary and improvement districts; to change boundary provisions as prescribed; to change a provision relating to appointment of an administrator as prescribed; to harmonize provisions; to provide for a Sanitary and Improvement District Unit Trust; to allow sanitary and improvement districts to accept title to property as prescribed; to provide duties for certain sanitary and improvement district boards; to provide an advisory panel; to limit annexation as prescribed; to provide for the adjustment of certain taxes as prescribed; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 926. By Landis, 46th District; Beutler, 28th District; Harris, 27th District; Wesely, 26th District; Warner, 25th District; Marsh, 29th District.

A BILL FOR AN ACT relating to financial institutions; to amend sections 72-1246, 72-1247, and 72-1263, Reissue Revised Statutes of Nebraska, 1943; to authorize the Governor to direct investment of state funds in certain institutions; to provide powers and duties for the Director of Banking and Finance in dealing with certain institutions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 927. By Marsh, 29th District.

A BILL FOR AN ACT relating to oils, fuels, and energy; to provide duties; and to create a penalty.

LEGISLATIVE BILL 928. By Education Committee: Vickers, 38th District, Chairperson; Eret, 32nd District; Goll, 16th District; Harris, 27th District; Hoagland, 6th District; Newell, 13th District; Scofield, 49th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-101, 79-201, 79-201.06, 79-328, 79-1233, 79-1247.02, 79-1247.05, 79-1247.06, 79-1247.09, 79-1340, 79-1701, 79-1706, 79-1707, 79-2201, 79-2201.01, and 79-2202, Reissue Revised Statutes of Nebraska, 1943, and section 79-403, Revised Statutes Supplement, 1982; to provide intent; to define and redefine terms; to provide minimum guidelines for completion of high school; to change a provision relating to compulsory education; to provide additional powers to the State Board of Education; to change provisions relating to accreditation as prescribed; to establish an entry-year assistance program; to change provisions relating to teacher certification as prescribed; to create a fund; to change provisions relating to the amount of aid and other funds school districts receive as prescribed; to change provisions relating to private, denominational, and parochial schools; to change provisions relating to educational service units as prescribed; to provide severability; to repeal the original sections; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 239.

Introduced by Vickers, 38th District.

WHEREAS, the annual Game and Parks Commission game bird surveys from 1973 to 1981 in the southwest district of Nebraska have shown the greater McCook area to consistently have the highest pheasant population in Nebraska; and

WHEREAS, the greater McCook area issued over one hundred fifty thousand resident and nonresident upland game bird hunting licenses in the last year of record; and

WHEREAS, the greater McCook area has been recommended by Outdoor Life magazine as the preferred pheasant hunting area in the states of Kansas, Colorado, and Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the greater McCook area shall be known as the Pheasant Capital of Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 564. Title read. Considered.

Standing Committee amendment, AM0807, found in the Journal on page 1038 for the Forty-Eighth Day, First Session, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 286. Title read. Considered.

Standing Committee amendment, AM0819, found in the Journal on

page 1040 for the Forty-Eighth Day, First Session, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 286A. Title read. Considered.

Mr. Vickers offered the following amendment:

On page 2, line 3, strike "1983" and insert "1984" and strike "1984" and insert "1985"; in line 5, strike "1984" and insert "1985" and strike "1985" and insert "1986".

The Vickers amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 140. Title read. Considered.

Mr. V. Johnson offered the following amendment:
AM1622
1. On page 2, line 1, strike "1983-84" and
insert "1984-85".

The V. Johnson amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved to indefinitely postpone LB 140.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

Mr. V. Johnson requested a roll call vote on the Lamb motion to indefinitely postpone.

Voting in the affirmative, 28:

Abboud	Beyer	Carsten	Chambers	Clark
Fenger	Goll	Hannibal	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Kahle	Lamb
Landis	Lundy	Nichol	Peterson, H.	Peterson, R.
Pirsch	Remmers	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner		

Voting in the negative, 15:

Eret	Goodrich	Harris	Higgins	Johnson, V.
Kilgarin	Labedz	Marsh	McDonald	Morehead
Newell	Rupp	Schmit	Wesely	Withem

Present and not voting, 1:

Chronister

Excused and not voting, 5:

Barrett	Beutler	DeCamp	Haberman	Pappas

The Lamb motion to indefinitely postpone prevailed with 28 ayes, 15 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chronister asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

Mr. L. Johnson asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

Mr. Clark asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendment to LR 2 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments)

AM1600

1. On page 1, strike beginning with “strike” in line 7 through the semicolon in line 12.

Mr. Newell asked unanimous consent to print the following amendment to LB 395 in the Journal. No objections. So ordered.

(Amendments to the Standing Committee amendments)
AM1592

1. In the Standing Committee amendments, on page 1, strike lines 1 through 17 and insert:

“1. Strike original section 1.

2. On page 25, line 8, strike ‘Sales and purchases’, show as stricken, and insert ‘Purchases’; reinstate the stricken matter beginning with ‘processing’ in line 11 through the first ‘and’ in line 14; in line 12 strike the new matter; in line 13 after the first reinstated comma insert ‘and’; and in line 14 after the reinstated ‘and’ insert ‘by political subdivisions for use directly related to the generation of electricity or the treatment and sale of gas and water’.

3. On page 30, strike beginning with ‘section’ in line 14 through ‘and’ in line 15; and in line 16 strike ‘are’ and insert ‘is’.

4. Renumber remaining sections accordingly.”.

Mr. Wagner asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

1. Strike original Section 4.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 929. By Schmit, 23rd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to civil procedure; to provide intent; and to prohibit certain causes of action and awards of damages.

LEGISLATIVE BILL 930. By Education Committee: Vickers, 38th District, Chairperson; Hoagland, 6th District; Goll, 46th District; Newell, 13th District; Scofield, 49th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,102, Revised Statutes Supplement, 1982; to change the computation of nonresident tuition as prescribed; and to repeal the original section.

LEGISLATIVE BILL 931. By Remmers, 1st District.

A BILL FOR AN ACT relating to education; to enact the Nebraska Mathematics and Science Teacher Tuition Assistance Act; to eliminate certain existing provisions relating to mathematics and science teachers; to repeal sections 79-12,122 to 79-12,141, Revised Statutes Supplement, 1983; and to declare an emergency.

LEGISLATIVE BILL 932. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Chambers, 11th District; Goll, 16th District; Higgins, 9th District; Scofield, 49th District; Vickers, 38th District.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend sections 23-923, 77-2105, 77-27,119, and 84-304.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-2711, Revised Statutes Supplement, 1982; to provide an exemption; to change certain requirements for budget statements by political subdivisions; to provide for the release of certain reports and returns as prescribed; to change penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 933. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Chambers, 11th District; Goll, 16th District; Higgins, 9th District; Scofield, 49th District; Vickers, 38th District.

A BILL FOR AN ACT relating to administrative services; to amend sections 60-1001, 68-602, 68-603, 68-604, 68-608, 68-613, 68-624, 68-631, 77-2412, 81-104.01, 81-154, 81-161.03, 81-1018, 81-1102, 81-1108.18, 81-1108.20, 81-1108.23, 81-1117.01, 81-1118.02, 84-308, and 84-710, Reissue Revised Statutes of Nebraska, 1943, and section 81-1108.17, Revised Statutes Supplement, 1983; to change provisions relating to certain state-owned vehicles; to correct references; to change provisions relating to claims against the state; to change provisions relating to funds as prescribed; to change provisions relating to bids and purchases; to change definitions; to change duties of the Department of Administrative Services; to change provisions relating to certain state buildings and lands; to create a fund; to change provisions relating to fees and state funds; and to repeal the original sections, and also sections 72-718.04, 72-730, and 77-2207, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 934. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Chambers, 11th District; Goll, 16th District; Higgins, 9th District; R. Johnson, 34th District; Scofield, 49th District; Vickers, 38th District.

A BILL FOR AN ACT relating to the militia; to amend sections 55-135, 55-146, 55-155, and 55-157, Reissue Revised Statutes of Nebraska, 1943, and section 55-134, Revised Statutes Supplement, 1982; to clarify certain provisions relating to National Guard personnel; to harmonize provisions; to provide a limitation on service in emergency situations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 935. By Chambers, 11th District.

A BILL FOR AN ACT relating to gambling; to amend section 28-101, Revised Statutes Supplement, 1982; to legalize certain gambling activities; to provide for taxation; to provide duties; to harmonize provisions; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 936. By Wesely, 26th District; Rupp, 22nd District; Lamb, 43rd District; DeCamp, 40th District; Hefner, 19th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to the State Energy Office; to amend section 81-1633, Revised Statutes Supplement, 1982, and section 81-1632, Revised Statutes Supplement, 1983; to provide duties; to create a grant as prescribed; to provide funding for administrative costs; and to repeal the original sections.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. H. Peterson asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

Mr. Kahle asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

VISITORS

Visitors to the Chamber were Martin Cox from Kearney.

ADJOURNMENT

At 4:20 p.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Tuesday, January 10, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 10, 1984

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 10, 1984

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Leastman, of Rosemount Alliance Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except for Mr. V. Johnson who was excused; and Messrs. Chambers, Fenger, Haberman, L. Johnson, Lamb, Newell, R. Peterson, Schmit, Warner, and Mrs. Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 309, last line, strike "15" and insert "13".
The Journal for the Fourth Day was approved as corrected.

ATTORNEY GENERAL'S OPINION

Opinion No. 173
January 6, 1984

Dear Senator DeCamp:

You have asked that we examine a bill which you proposed to introduce, which would be known as the Nebraska Lamb Industry Development Act, and advise you as to its constitutionality.

The proposed bill would establish the Nebraska Lamb Industry Development Board whose duties would include the development, implementation, administration, and direction of a Lamb Industry Program, to pursue and expand domestic and foreign lamb markets, and correct and alleviate transportation problems affecting the marketing of Nebraska produced lamb. The bill provides for the composition and duties of a seven member board and defines terms used in the bill.

The bill also provides that the Board will receive a fee of $.25 per head upon all lamb sold in the State of Nebraska. The fee would be paid by the seller at the time of sale or delivery and would be collected by the market, or purchaser, as the case may be. The Board may raise or lower the fee as it deems necessary to generate sufficient revenue to finance the programs conducted by the Board. There is a limit to the amount the fee may be raised in any one year, and the total fee may not exceed $.50 per head.

The bill further provides for the initial appointment and election of the members of the Board from districts specifically described within the bill.

It appears that the proposed bill is a word for word copy of the Nebraska Beef Industry Development Act passed by the Legislature in 1983, and now appearing as Article 21 in Chapter 54 of our statutes.

From our research we have found no Nebraska Supreme Court case dealing directly with the overall constitutionality of the type of program established by the bill. However, numerous courts in other states have considered programs similar to that set forth in this bill. See, State ex. rel. Graham v. Enking, 59 Idaho 321, 82 P.2d 649 (1983), Robison v. Dwyer, 58 Wash. 2d 576, 364 P.2d 521 (1961), Wicklam v. Trapani, 246 N.Y.S. 2d 137, 41 Misc. 2d 749 (1964), Ralston Purina Co. v. Hagemeister, 188 N.W. 2d 405 (N.D. 1971), State v. Vahlsing, 88 Alt.2d 144 (ME 1952). In most of these cases from other jurisdictions, programs similar to those provided in this bill have been held to constitute a form of excise tax. Futhermore, in all the cases cited above the programs involved have been upheld as constitutional. The various state courts have held that programs similar to that envisioned by the proposed Lamb Bill do not violate constitutional guarantees of due process or equal protection, that they do have an acceptable public purpose, and that they do not involve an inpermissible of delegation of legislative authority.

In cases which we have found which held similar programs to be unconstitutional the facts involved in each of the cases could be distinguished from a situation which would exist under the Lamb Bill.

While the Nebraska Supreme Court has not considered the constitutionality of Legislation similar to the Lamb bill, the Court has, however, indicated that excise taxes may be authorized by law. Licking v. Hayes Lumber Company, 146 Neb. 240, 19 N.W.2d 148 (1945). If the fees charged under the provisions of the Lamb Bill are considered to be an excise tax, this case would seem to support the constitutionality of such a tax levied. Also, in general, our Supreme Court has indicated that the taxing power of the Legislature is without limit except as maybe specifically proscribed by our Constitution itself. State v. Cheyenne County, 127 Neb. 619, 256 N.W. 67 (1934).

Based upon the various authorities discussed above, it is our opinion that the general provisions of the proposed bill establishing the Nebrasks Lamb Industries Development Board are constitutional. It is also our opinion that the Board may legally charge the fees in the manner provided for in the bill.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:laj
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 368. Placed on Select File as amended.
E & R amendments to LB 368:
AM5171

1. On page 1, line 1, after "cities" insert "and villages".

2. On page 3, line 3, strike the second comma.

3. On page 4, in lines 3 and 25, strike the last comma and show as stricken.

LEGISLATIVE BILL 189. Placed on Select File as amended.
E & R amendments to LB 189:
AM5172

1. On page 1, strike beginning with "and" in line 2 through "attorneys" in line 4 and insert ", 29-1804.03, 29-1804.05, and 29-1804.07, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to which counties have public defenders; to impose certain restrictions on public defenders as prescribed".

2. In the Standing Committee amendments:

a. On page 1, line 8, strike "obtains" and insert "attains"; and

b. On page 4, line 3, strike "his or her", show "his" as stricken, and insert "the"; in line 5 strike "his or her" and show "his" as stricken; in line 21 strike "his or her", show as stricken, and insert "the"; and in line 23 strike "his or her" and show as stricken.

LEGISLATIVE BILL 9. Placed on Select File as amended.
E & R amendments to LB 9:
AM5173

1. On page 2, line 14, strike "Welfare" and insert "Social Services".

LEGISLATIVE BILL 216. Placed on Select File as amended.
E & R amendments to LB 216:
AM5174

1. On page 1, strike beginning with "to" in line 1 through "benefits" in line 5 and insert "relating to county retirement systems; to amend sections 23-2301, 23-2306, and 23-2319, Reissue Revised Statutes of Nebraska, 1943; to redefine a term"; and in line 6 after "membership" insert "and benefit".

2. On page 3, line 21, after "office" insert an underscored comma.

3. In AM0897 which was adopted on January 6, 1984, on page 3, line 22, strike the first "and" and insert a comma.

4. In AM0994 which was adopted on January 6, 1984, on page 3, strike beginning with "strike" in line 7 through the first "and" in line 8; and in line 8 before the second "and" insert a comma.

LEGISLATIVE BILL 14. Placed on Select File as amended.
E & R amendments to LB 14:
AM5175

1. Because of the amendment of section 77-2715 by Laws 1983, LB 363, section 2, and Laws 1983, LB 124, section 8, strike section 1 and insert the following new section:

"Section 1. That section 77-2715, Revised Statutes Supplement, 1983, be amended to read as follows:

77-2715. (1) A tax is hereby imposed for each taxable year on the entire income of every resident individual of this state and on the income of every nonresident individual of this state which is derived from sources within this state. The tax shall be a flat percentage of, for each resident individual, the taxpayer's adjusted federal income tax liability for the taxable year~~,~~ and, for each nonresident individual, the taxpayer's adjusted federal income tax liability for the taxable year which is attributable to income derived from sources within this state.

The taxpayer's adjusted federal income tax liability shall be the amount of federal income tax, as determined under Subtitle A, Chapter I, subchapter A, Parts I, V, and VI of the Internal Revenue Code, for which the taxpayer would have been liable if such taxpayer had paid federal income tax based on federal taxable income as adjusted by the modifications provided in section 77-2716 without any allowance for credits against such tax permitted under the Internal Revenue Code.

The adjusted federal income tax liability of each nonresident individual taxpayer which is attributable to income derived from sources within this state shall be determined by multiplying his or her adjusted federal income tax liability by a fraction, the numerator of which is his or her taxable income derived from sources within this state as determined by section 77-2733~~,~~ and the denominator of which is his or her total federal taxable income, after first subtracting from each the amounts provided in subsection (1) of section 77-2716. If this ~~PROVIDED, that if the above~~ determination attributes more or less federal income tax than is reasonably attributable to income derived from sources within this state, the taxpayer may petition for, or the Tax Commissioner may require, the employment of any other method to attribute an amount of federal income tax which is reasonable and equitable in the circumstances.

(2)(a) A resident of this state shall mean an individual who is domiciled in Nebraska or who maintains a permanent place of abode in this state and spends in the aggregate more than six months of the taxable year in this state; and

(b) A nonresident shall mean an individual who is not a resident of this state.

(3) There shall be allowed, to qualified resident individuals as a credit against the tax imposed by sections 77-2714 to 77-27,135, a credit for the elderly equal to fifty per cent of the federal credit allowed under section 37 of the Internal Revenue Code.

(4) Subject to termination under section 66-1055, there shall be allowed to individuals, as a credit against the tax imposed by sections 77-2714 to 77-27,135, a credit for renewable energy source systems as provided under section 66-1047.

(5) There shall be allowed, to qualified resident individuals as a credit against the tax imposed by sections 77-2714 to 77-27,135, a child and dependent care credit equal to the federal credit allowed under section 44A of the Internal Revenue Code multiplied by the rate of income tax as set under section 77-2715.01.".

2. On page 1, after "ACT" insert "relating to income tax;" and in line 2 strike beginning with "1982" through "tax" and insert "1983".

3. On page 6, line 2, strike "1982" and insert "1983".

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 674	Tuesday, January 17, 1984	1:30 p.m.
LB 691	Tuesday, January 17, 1984	1:30 p.m.
LB 753	Tuesday, January 17, 1984	1:30 p.m.
LB 834	Tuesday, January 17, 1984	1:30 p.m.
LB 664	Wednesday, January 18, 1984	1:30 p.m.
LB 791	Wednesday, January 18, 1984	1:30 p.m.
LB 796	Wednesday, January 18, 1984	1:30 p.m.

(Signed) Calvin Carsten, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 240.

Introduced by Withem, 14th District; Remmers, 1st District; Morehead, 30th District; Scofield, 49th District.

WHEREAS, the United States Department of Education recently released a report which shows that the test scores of Nebraska students taking the American College Test rank fourth in the nation; and

WHEREAS, the report further indicates that over seventy per cent of Nebraska's graduating seniors took the American College Test while in the states whose students' test scores ranked higher than Nebraska, only 32%, 54.6%, and 26.9% respectively of such states' graduating seniors took the American College Test thus indicating the majority of Nebraska's students, as opposed to an elite group in the other states, reflect this level of achievement; and

WHEREAS, this success level in no way diminishes our need to vigorously address problems in education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature applauds the school boards and administrators of our Nebraska schools who provide the leadership for our schools.
2. That the Legislature thanks the teachers and parents for nurturing in our students an appreciation for the importance of education for life-long efforts.
3. That the Legislature commends specifically the students of Nebraska who performed so outstandingly to provide the exemplary results of which all citizens of this state should be proud.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: 230 and 231.

GENERAL FILE

LEGISLATIVE BILL 68. Title read. Considered.

Standing Committee amendment, AM0867, found in the Journal on page 1094 for the Fiftieth Day, First Session, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Fenger moved to indefinitely postpone LB 68.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 12 nays, and 17 not voting.

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Rupp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Haberman requested a record vote on the Fenger motion to indefinitely postpone.

Voting in the affirmative, 27:

Abboud Barrett Beyer Carsten Chronister
Clark Fenger Goll Goodrich Haberman
Hannibal Harris Higgins Jacobson Johnson, L.
Johnson, R. Kilgarin Lamb McDonald Newell
Peterson, H. Peterson, R. Remmers Rupp Schmit
Von Minden Withem

Voting in the negative, 14:

Beutler Eret Hefner Kahle Labedz
Landis Lundy Morehead Pappas Pirsch
Scofield Sieck Vickers Wesely

Present and not voting, 4:

DeCamp Marsh Nichol Wagner

Excused and not voting, 4:

Chambers Hoagland Johnson, V. Warner

The Fenger motion to indefinitely postpone prevailed with 27 ayes, 14 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Withdraw LB 646

Mr. Haberman renewed his pending motion found in the Journal on page 297 to withdraw LB 646.

The motion prevailed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB 656

Mr. Haberman renewed his pending motion found in the Journal on page 297 to withdraw LB 656.

The motion prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 937. By Hannibal, 4th District.

A BILL FOR AN ACT relating to county extension work; to amend section 2-1606, Reissue Revised Statutes of Nebraska, 1943; to provide limitations upon the budgets of county extension boards; and to repeal the original section.

LEGISLATIVE BILL 938. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to education; to amend sections 79-12,122 to 79-12,125, 79-12,127, 79-12,128, 79-12,130 to 79-12,132, and 79-12,139, Revised Statutes Supplement, 1983; to rename an act; to provide assistance for certain teaching students as prescribed; to harmonize provisions; to change a funding provision; to change provisions relating to repayment of loans; and to repeal the original sections.

LEGISLATIVE BILL 939. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Clark, 47th District; Haberman, 44th District; Higgins, 9th District; Labedz, 5th District; Remmers, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1982; to provide a penalty for certain acts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 940. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Clark, 47th District; Haberman, 44th District; Higgins, 9th District; Labedz, 5th District; Remmers, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT relating to the Director of Banking; to amend section 8-103, Reissue Revised Statutes of Nebraska, 1943; to provide a duty as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 941. By Kahle, 37th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-160, Revised Statutes Supplement, 1982; to change certain tax rates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 942. By Vickers, 38th District.

A BILL FOR AN ACT relating to schools; to amend section 79-701, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the discontinuance of a Class II school district as prescribed; and to repeal the original section.

LEGISLATIVE BILL 943. By Landis, 46th District.

A BILL FOR AN ACT relating to alcoholic liquors; to provide for the delivery, sale, or dispensing of alcoholic liquors to certain organizations as prescribed.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 286 in the Journal. No objections. So ordered.

Amendment to LB 286, page 3, line 22 - after the period insert the following language:
"School boards or boards of education may elect to accept students residing in the district and waive payment of tuition if such student is (1) residing with a legal resident of the district, and (2) the parent or legal guardian of the student raises no objection, and (3) substantial financial hardship would result if tuition was not waived."

GENERAL FILE

LEGISLATIVE BILL 591. Title read. Considered.

Standing Committee amendment, AM0822, found in the Journal on page 1101 for the Fiftieth Day, First Session, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 625. Title read. Considered.

Standing Committee amendment, AM0823, found in the Journal on page 1101 for the Fiftieth Day, First Session, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 373. Placed on Select File as amended.
E & R amendments to LB 373:
AM5176

1. Because of the amendment of section 33-125 by Laws 1983, LB 2, section 1, strike original section 2 and insert the following new section:

"Sec. 2. That section 33-125, Revised Statutes Supplement, 1983, be amended to read as follows:

33-125. In probate matters the county court shall be entitled to receive the following fees: (1) For (a) the informal probate of a will or informal appointment of a personal representative, or both, or (b) the determination of intestacy and heirs without requesting the appointment of an administrator, or (c) summary proceedings in small estates under sections 30-24,127 and 30-24,128, or (d) adjudication of a contested claim, or (e) any other proceeding under the Nebraska Probate Code for which no court fee is established by statute, twenty dollars; and (2) for all proceedings relating to the formal settlement of the estate of a deceased person where the value does not exceed one thousand dollars, twenty dollars; where the value exceeds one thousand dollars and is not more than two thousand dollars, thirty dollars; where the value exceeds two thousand dollars and is not more than five thousand dollars, fifty dollars; where the value exceeds five thousand dollars and is not more than ten thousand dollars, seventy dollars; where the value exceeds ten thousand dollars and is not more than twenty-five thousand dollars, eighty dollars; where the value exceeds twenty-five thousand dollars and is not more than fifty thousand dollars, one hundred dollars; where the value exceeds fifty thousand dollars and is not more than seventy-five thousand dollars, one hundred twenty dollars; where the value exceeds seventy-five thousand dollars and is not more than one hundred thousand dollars, one hundred sixty dollars; where the value exceeds one hundred thousand dollars and is not more than one hundred and twenty-five thousand dollars, two hundred and twenty dollars; where the value exceeds one hundred and twenty-five thousand dollars and is not more than one hundred and fifty thousand dollars, two hundred and fifty dollars; where the value exceeds one hundred and fifty thousand dollars and is not more than one hundred and seventy-five thousand dollars, two hundred and seventy dollars; where the value exceeds one hundred and seventy-five thousand dollars and is not more than two hundred thousand dollars, three hundred dollars; where the value exceeds two hundred thousand dollars and is not more than three hundred thousand dollars, three hundred and fifty dollars; where the value exceeds three hundred thousand dollars and is not more than four hundred thousand dollars, four hundred dollars; where the value exceeds four hundred thousand dollars and is not more than five hundred thousand dollars, five hundred dollars; where the value exceeds five hundred thousand dollars and is not more than seven hundred and fifty thousand dollars, six hundred dollars; where the value exceeds seven hundred and fifty thousand dollars and is not more than one million dollars, seven hundred dollars; where the value exceeds one million dollars and is not more than two million five hundred thousand dollars, eight hundred dollars; where the value exceeds two million five hundred thousand dollars and is not more than five million dollars, one thousand dollars; and on all estates where the value exceeds five million dollars, one thousand five hundred dollars.

The above fees shall be based on the gross value of the estate, including both real and personal property. The gross value shall mean the actual value of the estate less liens~~,~~ and shall be determined as of the time of the death. Such fees shall be in full for any and all services to be performed by the court in the settlement of an estate wherein no contest arises~~,~~ and no additional fees shall be charged for services performed in connection with petitions, hearing, and orders in the course of such administration. The same shall include one certified copy of each order or instrument made for record in the office of the county clerk or register of deeds. In other cases where it shall be necessary to copy instruments, the county court shall be allowed the fees provided in section 33-126.05. There shall be credited against the fees specified in subdivision (2) of this section any fees previously paid for probate matters relating to the estate of such deceased person. In all estates in which it becomes necessary to reappoint an executor, administrator, or personal representative after his or her authority to act terminates or appoint a special administrator, thirty dollars shall be allowed for making such appointment. In all cases where a petition for probate of will~~,~~ or appointment of an administrator, special administrator, personal representative, guardian, or trustee~~,~~ or any other petition for an order in probate matters is filed and no appointment is made or order entered and ~~said~~ the cause is dismissed, the fee shall be ten dollars. In formal proceedings pursuant to the provisions of Chapter 30, article 25, the fees provided under this section shall be based upon the value of all property present in Nebraska at the time of death. No fee shall be charged for filings in probate matters in the absence of a request for a court order or other court proceedings thereon. All proceedings which are commenced as formal proceedings or which are determined by the court to be formal proceedings shall be subject to the fees prescribed in subdivision (2) of this section. A determination of inheritance tax in an estate proceeding which is otherwise informal shall not render the proceeding formal.".

2. On page 1, line 2, strike "and"; in line 3 strike "sections 33-125 and" and insert "section"; and in line 4 after "1982" insert ", and section 33-125, Revised Statutes Supplement, 1983".

3. On page 7, strike beginning with "and" in line 25 through "and" in line 26 and insert "section"; and in line 26 after the last comma insert "and section 33-125, Revised Statutes Supplement, 1983,".

LEGISLATIVE BILL 377. Placed on Select File as amended.
E & R amendments to LB 377:
AM5177

1. On page 1, line 1, after "ACT" insert "relating to rules of the road;"; and strike beginning with the second comma in line 2 through "officers" in line 5 and insert "; to change provisions relating to certain tests and evaluations as prescribed".

(Signed) Rod Johnson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 4CA. Read. Considered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. KAHLE PRESIDING

SPEAKER NICHOL PRESIDING

Mr. Wesely requested a record vote on the advancement of the resolution.

Voting in the affirmative, 16:

Barrett	Beutler	DeCamp	Haberman	Landis
Lundy	Marsh	McDonald	Newell	Nichol
Pirsch	Sieck	Vickers	Wagner	Wesely
Withem				

Voting in the negative, 23:

Abboud	Carsten	Clark	Eret	Goll
Hannibal	Harris	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Morehead
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Schmit	Scofield	Von Minden		

Present and not voting, 5:

Chronister	Fenger	Goodrich	Hefner	Higgins

Excused and not voting, 5:

Beyer	Chambers	Hoagland	Johnson, V.	Warner

Failed to advance to E & R for Review with 16 ayes, 23 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 2CA. Read. Considered.

Standing Committee amendments, AM0892, found in the Journal on page 1136 for the Fifty-First Day, First Session, were considered.

Mr. Clark asked unanimous consent to be excused. No objections. So

ordered.

Mrs. Pirsch renewed her pending amendment, AM1600, to the Standing Committee amendments found in the Journal on page 320.

Mrs. Higgins and Mr. Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

The Pirsch pending amendment to the Standing Committee amendments was adopted with 20 ayes, 0 nays, 20 present and not voting, and 9 excused and not voting.

Mr. Haberman offered the following amendment to the Standing Committee amendments:
"Page 2, line 11, to add after the word drug "and alcohol"

The Haberman amendment to the Standing Committee amendments was adopted with 16 ayes, 0 nays, 24 present and not voting, and 9 excused and not voting.

The Standing Committee amendments were adopted, as amended, with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 276. Title read. Considered.

Standing Committee amendments, AM0615, found in the Journal on page 863 for the Forty-First Day, First Session, were considered.

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

Messrs. Hoagland, Beutler, and Mrs. Marsh offered the following amendment to the Standing Committee amendments:
AM1631
(Amendments to the Committee Amendments)
1. Insert the following new amendments:
"4. Insert the following new section:
'Sec. 2. That section 42-357, Revised Statutes Supplement, 1983, be amended to read as

follows:

42-357. The court may order either party to pay to the clerk a sum of money for the temporary support and maintenance of the other party and minor children if any are affected by the action, and to enable such party to prosecute or defend the action. The court may make such order after service of process and claim for temporary allowances is made in the petition or by motion by the petitioner or by the respondent in a responsive pleading; but no such order shall be entered before three days after notice of hearing has been served on the other party or notice waived. During the pendency of any proceeding under sections 42-347 to 42-379 after the petition is filed, upon application of either party the court may issue ex parte orders (1) restraining any person from transferring, encumbering, hypothecating, concealing, or in any way disposing of real or personal property except in the usual course of business or for the necessaries of life, and the party against whom such order is directed shall upon order of the court account for all unusual expenditures made after such order is served upon him or her, (2) enjoining any party from molesting or disturbing the peace of the other party or any minor children affected by the action, and (3) determining the temporary custody of any minor children of the marriage, except that no restraining order enjoining any party from molesting or disturbing the peace of any minor child shall issue unless, at the same time, the court determines that the party requesting such order shall have temporary custody of such minor child. Ex parte orders issued pursuant to subdivision (1) of this section shall remain in force for no more than ten days or until a hearing is held thereon, whichever is earlier. After motion, notice to the party, and hearing, the court may order either party excluded from the premises occupied by ~~family dwelling of~~ the other upon a showing that physical or emotional harm would otherwise result. Any restraining order issued excluding either party from the premises occupied by the other shall specifically set forth the location of the premises and shall be served upon the adverse party by the sheriff in the manner prescribed for serving a summons, and a return thereof shall be filed in district court. Any person who knowingly violates such an order after service shall be guilty of a Class IIA misdemeanor. In the event a restraining order enjoining any party from molesting or disturbing the peace of any minor children is issued, upon application and affidavit setting out the reason therefore, the court shall schedule a hearing within seventy-two hours to determine whether the order regarding the minor children shall remain in force.'.

5. On page 5, line 1, after '1943,' insert 'and section 42-357, Revised Statutes Supplement, 1983,'.".

2. On page 1, strike beginning with "in" in line 8 through the semicolon in line 9.

The Hoagland-Beutler-Marsh amendment to the Standing Committee amendments was adopted with 21 ayes, 0 nays, 19 present and not voting, and 9 excused and not voting.

The Standing Committee amendments were adopted, as amended, with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment:
Amend the Hoagland, Beutler, Marsh amendment to the committee amendments (AM1631) on page 3, line 2 strike "IIa", insert "IIIa".

The Beutler amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 241.

Introduced by Abboud, 12th District; Barrett, 39th District; Beyer, 3rd District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th

District; DeCamp, 40th District; Eret, 32nd District; Fenger, 45th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hannibal, 4th District; Harris, 27th District; Hefner, 19th District; Higgins, 9th District; Jacobson, 33rd District; L. Johnson, 15th District; R. Johnson, 34th District; Kahle, 37th District; Kilgarin, 7th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; McDonald, 31st District; Morehead, 30th District; Pappas, 42nd District; Pirsch, 10th District; H. Peterson, 35th District; R. Peterson, 21st District; Remmers, 1st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Fred Letheby is the only active coach to achieve five hundred basketball victories in Nebraska; and

WHEREAS, Fred Letheby's coaching career spans thirty-four years of service to the Norfolk Catholic, Neligh, Stanton, and Madison schools and students; and

WHEREAS, Fred Letheby has been an inspiration to numerous student athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the many years of coaching service to the youth of Nebraska made by Fred Letheby.
2. That the members of the Legislature express their warm congratulations and appreciation to Mr. Letheby for his contribution to education and athletics.
3. That a copy of this resolution be presented to Mr. Letheby.

Laid over.

VISITORS

Visitors to the Chamber were Mrs. Judy Sundberg and Ms. Carol Gores from Omaha.

RECESS

At 11:58 a.m., on a motion by Mr. Remmers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chronister, Clark, and V. Johnson who were excused; and Messrs. Barrett, Beutler, Beyer, Chambers, Haberman, Hoagland, R. Johnson, Landis, Newell, Pappas, R. Peterson, Sieck, Withem, and Mesdames Higgins, Kilgarin, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 477. Title read. Considered.

Mr. Warner offered the following amendment:
Strike Section 2 and renumber remaining sections.
Insert a new section to read as follows: "Notwithstanding the provisions of Sections 81-196 to 81-1,108, the State Board of Landscape Architects is hereby reestablished."

The amendment was adopted with 25 ayes, 0 nays, 2 present and not voting, and 22 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 477A. Title Read. Considered.

Mr. Warner offered the following amendment:
On page 2, in line 3, strike "1983" and insert "1984"; in line 4, strike "1984" and insert "1985"; in line 6, strike "1984" and insert "1985" and strike "1985" and insert "1986".

The Warner amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 710	Wednesday, January 18, 1984	1:30 P.M.
LB 719	Wednesday, January 18, 1984	1:30 P.M.
LB 733	Wednesday, January 18, 1984	1:30 P.M.
LB 806	Wednesday, January 18, 1984	1:30 P.M.
LB 654	Thursday, January 19, 1984	1:30 P.M.

LB 729	Thursday, January 19, 1984	1:30 P.M.
LB 730	Thursday, January 19, 1984	1:30 P.M.
LB 805	Thursday, January 19, 1984	1:30 P.M.
LB 812	Thursday, January 19, 1984	1:30 P.M.
LB 658	Friday, January 20, 1984	1:30 P.M.
LB 694	Friday, January 20, 1984	1:30 P.M.
LB 697	Friday, January 20, 1984	1:30 P.M.
LB 715	Friday, January 20, 1984	1:30 P.M.
LB 726	Friday, January 20, 1984	1:30 P.M.
LB 811	Friday, January 20, 1984	1:30 P.M.

(Signed) Loran Schmit, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 13A. By Kilgarin, 7th District; Beutler, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 13, Eighty-eighth Legislature, Second Session, 1984.

LEGISLATIVE BILL 944. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Beutler, 28th District; Goll, 16th District; Higgins, 9th District; Vickers, 38th District.

A BILL FOR AN ACT relating to notaries public; to amend sections 64-102, 64-103, and 64-206, Reissue Revised Statutes of Nebraska, 1943; to change a required bond amount as prescribed; to change provisions relating to proof of authority; to provide notaries public with an additional duty; to provide the Secretary of State with an additional duties; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 945. By Newell, 13th District; Kilgarin, 7th District; Labedz, 5th District; McDonald, 31st District; Hoagland, 6th District; Scofield, 49th District; Morehead, 30th District; Withem, 14th District; Wesely, 26th District; Vickers, 38th District; Higgins, 9th District.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704, Revised Statutes Supplement, 1983; to change provisions relating to an exemption; and to repeal the original section.

LEGISLATIVE BILL 946. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; Fenger, 45th District; Hannibal, 4th District; Lundy, 36th District; Newell, 13th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Revised Statutes Supplement, 1982; to provide certain duties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 947. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; Fenger, 45th District; Hannibal, 4th District; Lundy, 36th District; Newell, 13th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to liquor; to amend section 53-132, Revised Statutes Supplement, 1982, and sections 53-124, 53-131, and 53-1,116, Revised Statutes Supplement, 1983; to change provisions relating to certain types of licenses; to change provisions relating to when a license may be issued; to change provisions relating to the appeal of certain decisions; and to repeal the original sections.

LEGISLATIVE BILL 948. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; Fenger, 45th District; Hannibal, 4th District; Lundy, 36th District; Newell, 13th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to liquor; to amend section 53-125, Revised Statutes Supplement, 1983; to change a provision relating to eligibility for a license; and to repeal the original section.

LEGISLATIVE BILL 949. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; Fenger, 45th District; Hannibal, 4th District; Lundy, 36th District; Newell, 13th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-126, 9-128, 9-132, 9-134, 9-136 to 9-138, 9-147, 9-148, 9-154, 9-157, 9-159, 9-161, 9-166, and 9-171, Revised Statutes Supplement, 1982, and sections 9-124, 9-125, 9-133, 9-140.01 to 9-140.06, 9-140.09 to 9-145, 9-149, 9-150, 9-153, 9-156, 9-158, 9-163, 9-164, 9-168, 9-169, 9-170, 9-172 to 9-174, 9-177 to 9-179, 9-181 to 9-187, 9-190, 9-191, 9-194 to 9-196, 28-1101, 28-1113, 28-1115, and 28-1116, Revised Statutes Supplement, 1983; to rename an act; to define and redefine terms; to provide for the regulation of lotteries and raffles as prescribed; to change certain provisions relating to license requirements, applications, and renewals; to change provisions relating to gross receipts as prescribed; to change provisions relating to prizes as prescribed; to change provisions relating to the purchase or rental of supplies, equipment and certain premises; to change provisions relating to bingo cards and the manner in which bingo games are conducted; to change a provision relating to permits; to change provisions relating to distributors' licenses; to change provisions relating to pickle cards; to provide for the printing of certain information on lottery and raffle tickets; to provide for a tax on certain gross proceeds; to harmonize provisions; to provide a penalty; to provide an operative date; and to repeal the original sections, and also section 9-131, Revised Statutes Supplement, 1982, and sections 9-160 and 9-180, Revised Statutes Supplement, 1983.

LEGISLATIVE BILL 950. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; Fenger, 45th District; Hannibal, 4th District; Lundy, 36th District; Newell, 13th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to bingo and other gambling; to amend section 9-194, Revised Statutes Supplement, 1983; to provide for the staffing of the Nebraska Bingo and Pickle Card Regulatory Commission; and to repeal the original section.

LEGISLATIVE BILL 951. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; Fenger, 45th District; Hannibal, 4th District; Lundy, 36th District; Newell, 13th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to the Nebraska Unicameral Research Institute; to eliminate provisions relating to the institute; to repeal sections 50-426 to 50-428, Reissue Revised Statutes of Nebraska, 1943, and section 50-429, Revised Statutes Supplement, 1982.

GENERAL FILE

LEGISLATIVE BILL 478. Title read. Considered.

Standing Committee amendments, AM1575, found in the Journal on page 163 for the First Day were adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Warner offered the following amendment:

Strike Section 1 and renumber remaining sections.

Insert a new section to read as follows: "Notwithstanding the provisions of Sections 81-196 to 81-1,108, the State Board of Examiners for Land Surveyors is hereby reestablished."

The Warner amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. BEUTLER PRESIDING

Advanced to E & R for Review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 478A. Title read. Considered.

Mr. Warner offered the following amendment:
On page 2, in line 3, strike "1983" and insert "1984"; in line 4, strike "1984" and insert "1985"; in line 5, strike "1984" and insert "1985"; in line 6, strike "1985" and insert "1986".

The Warner amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 623. Title read. Considered.

Standing Committee amendments, AM0927, found on page 1230 for the Fifty-Fourth Day, First Session, were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Labedz offered the following amendment:
AM1632

1. Insert the following new section:

"Section 1. Unless otherwise specifically designated in the constitution or by statute, any person seeking an elected state office or an elected office in any political subdivision within the state shall be a registered voter prior to holding such office, except that if such person must sign a contract or comply with a bonding requirement prior to holding such office, he or she shall have reached the age of majority.”.

2. Renumber remaining sections accordingly.

The Labedz amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Landis offered the following amendment:
AM1626

1. On page 3, strike beginning with “with” in line 12 through “less” in line 13 and show as stricken.

2. On page 26, line 3, strike “and” and insert “or”; and in line 4 after “officials” insert “and staff”.

The Landis amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 38. Title read. Considered.

Standing Committee amendment, AM0911, found in the Journal on page 1178, for the Fifty-Second Day, First Session, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Wagner renewed his pending amendment found in the Journal on page 321.

The Wagner amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 183. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 2 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 290. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 631. Mr. DeCamp asked unanimous consent to pass over LB 631. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 866 - 914, inclusive, and legislative resolutions 237 and LR 238, for the approval of the Nebraska State Legislature.

In addition, Legislative Bill 647 was re-referred to the Committe On Public Works, and Legislative Bill 843 was re-referred to the Committee on the Nebraska Reirement Systems.

LB	**Committee**
647	Public Works
843	Nebraska Retirement Systems
866	Public Works
867	Appropriations
868	Banking, Commerce and Insurance
869	Revenue
870	Revenue
871	Agriculture and Environment
872	Education
873	Public Works
874	Appropriations
875	Appropriations
876	Revenue
877	Public Health and Welfare
878	Appropriations
879	Revenue
880	Appropriations
881	Revenue
882	Appropriations
883	Appropriations
884	Appropriations
885	Appropriations
886	Public Health and Welfare
887	Special Commonwealth Committee
888	Revenue
LR 237	Constitutional Revision and Recreation
889	Revenue
890	Education
891	Revenue
892	Revenue
893	Nebraska Retirement Systems
894	Banking, Commerce and Insurance
895	Judiciary

896	Urban Affairs
897	Public Works
LR 238	Constitutional Revision and Recreation
898	Public Health and Welfare
899	Special Commonwealth Committee
900	Public Health and Welfare
901	Banking, Commerce and Insurance
902	Banking, Commerce and Insurance
903	Public Health and Welfare
904	Public Health and Welfare
905	Public Health and Welfare
906	Public Health and Welfare
907	Banking, Commerce and Insurance
908	Education
909	Government, Military and Veterans Affairs
910	Urban Affairs
911	Urban Affairs
912	Banking, Commerce and Insurance
913	Public Health and Welfare
914	Education

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 952. By Vickers, 38th District; Harris, 27th District.

A BILL FOR AN ACT relating to educational television; to amend section 79-2103, Reissue Revised Statutes of Nebraska, 1943; to provide additional powers and duties for the Nebraska Educational Television Commission; to prohibit certain acts; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 953. By Landis, 46th District; Beutler, 28th District.

A BILL FOR AN ACT relating to petroleum products and hazardous materials; to adopt the Petroleum Products and Flammable Liquids Storage and Handling Act; to amend sections 81-526 and 81-551, Reissue Revised Statutes of Nebraska, 1943, and sections 81-502 and 81-1504, Revised Statutes Supplement, 1983; to provide additional duties and clarify duties; to provide for enforcement; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 894	Tuesday, January 17, 1984	1:30 p.m.
LB 736	Tuesday, January 17, 1984	1:30 p.m.

(Signed) John DeCamp, Chairperson

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Fenger asked unanimous consent to have his name removed as co-introducer to LB 150. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 183. No objections. So ordered.

SPEAKER NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 394. Title read. Considered.

Standing Committee amendments, AM1119, found in the Journal on page 1707 for the Seventieth Day, First Session, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

MR. BEUTLER PRESIDING

LEGISLATIVE BILL 56. Title read. Considered.

Standing Committee amendments, AM1565, found in the Journal on page 2506, Eighty-Ninth Day, First Session, were considered.

Mr. Hefner renewed his pending amendment, AM1608, found in the Journal on page 227 to the Standing Committee amendments.

The Hefner amendment to the Standing Committee amendments was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

The Standing Committee amendments were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Newell offered the following amendment:
To amend LB 56 - To raise the drinking age to 99 years of age.

The Chair ordered a roll call vote.

Voting in the affirmative, 2:

Kilgarin
Sieck

Voting in the negative, 37:

Abboud
Barrett
Beutler
Beyer
Carsten
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Kahle
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Present and not voting, 6:

DeCamp
Eret
Fenger
Johnson, R.
Labedz
Nichol

Excused and not voting, 4:

Chambers
Chronister
Clark
Johnson, V.

The Newell amendment lost with 2 ayes, 37 nays, 6 present and not voting, and 4 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment:
1. The provisions of this bill shall become operative only upon all contiguous states raising the drinking age in their respective state to 21 years of age.
2. To strike "1985" in the committee amendment and insert "1986".

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 39 ayes, 1 nay, and 9 not voting.

Mr. Wesely asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 782	Wednesday, January 18, 1984	1:30 p.m.
LB 911	Wednesday, January 18, 1984	1:30 p.m.
LB 734	Wednesday, January 18, 1984	1:30 p.m.
LB 748	Wednesday, January 18, 1984	1:30 p.m.
LB 837	Wednesday, January 18, 1984	1:30 p.m.
LB 686	Wednesday, January 18, 1984	1:30 p.m.
LB 896	Wednesday, January 18, 1984	1:30 p.m.

(Signed) Dave Newell, Chairperson

Government, Military and Veterans Affairs

LB 843	Thursday, January 19, 1984 (cancelled)	1:30 p.m.
LB 725	Thursday, January 19, 1984	1:30 p.m.
LB 647	Thursday, January 26, 1984 (cancelled)	1:30 p.m.
LB 826	Thursday, January 26, 1984	1:30 p.m.

(Signed) Dave Landis, Chairperson

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 3, Section 4, and Rule 6, Section 2, and place LB's 882, 883, 884, and 885 on General File.

Laid over.

ADJOURNMENT

At 4:09 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Wednesday, January 11, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 11, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 11, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Clark presiding.

PRAYER

The prayer was offered by Bob Chitwood, Minister of Capitol City Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, DeCamp, Haberman, Hoagland, V. Johnson, Kahle, Lamb, Newell, Pappas, Schmit, Warner, Wesely, Mesdames Labedz, Morehead, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 352, strike Lines 21, 22, and 23 and insert:

MOTION - Re-Refer Bills

Mr. DeCamp moved to rerefer LB's 882, 883, 884, and 885 to General File pursuant to Rule 6, Section 2.

The Journal for the Fifth Day was approved as corrected.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 954. By DeCamp, 40th District.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend sections 58-202, 58-203, 58-214, 58-219, 58-228, 58-240, 58-242, 58-249, and 58-256, Revised Statutes Supplement, 1983; to state and restate intent; to redefine terms; to change a provision relating to reimbursement for expenses; to modify duties of the authority; to change certification requirements relating to agricultural projects; to change provisions relating to bonds; to provide severability; and to repeal the original sections.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1983 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Elkhorn	
Jewell, Otte, Gatz & Collins	7,289.08
Papio	
Paul F. Peters, Attorney, Taylor, Hornstein, Peters & Kluver	18,912.84

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 482. Placed on Select File as amended.
E & R amendment to LB 482:
AM5178

1. On page 1, strike beginning with "to" in line 1 through "for" in line 3 and insert "relating to motor vehicles; to amend section 39-671, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1736 and 18-1739, Revised Statutes Supplement, 1982; to require the display of permits for handicapped parking; to impose requirements relating to the size and content of such permits; to change provisions relating to"; and in line 4 strike "section" and insert "sections".

LEGISLATIVE BILL 226. Placed on Select File as amended.
E & R amendments to LB 226:
AM5179

1. On page 1, line 3, strike "sell" and insert "convey"; and in line 4 after "Area" insert "and to the city of Grand Island, Hall County; to provide for the disposition of the proceeds".
2. In the Standing Committee amendments

adopted January 9, 1984, on page 1, line 3, strike "the first comma" and insert " 'purposes' ".

LEGISLATIVE BILL 218. Placed on Select File as amended.
E & R amendments to LB 218:
AM5180

1. On page 1, line 2, strike "79-1531, 79-1533," and strike the third comma; in line 3 strike "sections" and insert "section"; and in line 4 strike "23-2307," and "and 79-1056,".

2. On page 18, line 25, strike "subsecton" and insert "subsection".

LEGISLATIVE BILL 300. Placed on Select File.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. L. Johnson asked unanimous consent to have his name added as co-introducer to LB 38. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 239. Title read. Considered.

Messrs. Wagner and Harris asked unanimous consent to have their names added as co-introducers to LR 239. No objections. So ordered.

LR 239 was adopted with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 240. Title read. Considered.

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LR 240. No objections. So ordered.

LR 240 was adopted with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE RESOLUTION 241. Title read. Considered.

Mr. Kahle asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 241 was adopted with 33 ayes, 0 nays, and 16 not voting.

GENERAL FILE

LEGISLATIVE BILL 395. Title read. Considered.

Standing Committee amendments, AM0399, found in the Journal on page 607 for the Thirtieth Day, First Session, were considered.

Mr. Lamb asked unanimous consent to withdraw his pending amendment found in the Journal on page 1201, First Session. No objections. So ordered.

Mr. Hefner renewed the pending Carsten amendment, AM1208, found in the Journal on page 1719, First Session, to the Standing Committee amendments.

The Carsten amendment was adopted with 12 ayes, 0 nays, 29 present and not voting, and 8 excused and not voting.

Mr. Hefner moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Standing Committee amendments were adopted, as amended, with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Fenger asked unanimous consent to withdraw his pending amendment, AM0764, found in the Journal on page 993, First Session. No objections. So ordered.

Mr. Fenger moved to indefinitely postpone LB 395.

Mr. Beyer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 9 nays, and 14 not voting.

Mr. Fenger requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 35:

Abboud	Barrett	Beyer	Chronister	Clark
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Harris	Hefner	Jacobson
Johnson, L.	Johnson, R.	Kilgarin	Lamb	Marsh
McDonald	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	Schmit

Scofield Vickers Von Minden Wagner Withem

Voting in the negative, 5:

Higgins Hoagland Johnson, V. Landis Lundy

Present and not voting, 5:

Beutler Chambers Pirsch Sieck Wesely

Excused and not voting, 4:

Carsten Kahle Labedz Warner

The Fenger motion to indefinitely postpone prevailed with 35 ayes, 5 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 13. Title read. Considered.

Standing Committee amendments, AM1231, found in the Journal on page 1705, for the Seventieth Day, First Session, were considered.

Miss Kilgarin and Mr. Beutler asked unanimous consent to withdraw their pending amendment found in the Journal on page 421, First Session, and their pending amendment, AM1555, found in the Journal on page 2459, First Session. No objections. So ordered.

Mr. Beutler and Miss Kilgarin renewed their pending amendment, AM1586, found in the Journal on page 193 to the Standing Committee amendments.

The Beutler - Kilgarin amendment was adopted with 20 ayes, 0 nays, 26 present and not voting, and 3 excused and not voting.

The Standing Committee amendments were adopted, as amended, with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Haberman moved to indefinitely postpone LB 13.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Haberman motion to indefinitely postpone lost with 10 ayes, 23 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 12 nays, 6 present and not voting, and 3 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 915 - 949.

LB	**Committee**
915	Miscellaneous Subjects
916	Judiciary
917	Business and Labor
918	Revenue
919	Banking, Commerce and Insurance
920	Government, Military and Veterans Affairs
921	Government, Military and Veterans Affairs
922	Education
923	Banking, Commerce and Insurance
924	Education
925	Urban Affairs
926	Special Commonwealth Committee
927	Agriculture and Environment
928	Education
929	Judiciary
930	Education
931	Education
932	Revenue
933	Government, Military and Veterans Affairs
934	Government, Military and Veterans Affairs
935	Miscellaneous Subjects
936	Banking, Commerce and Insurance
937	Revenue
938	Education
939	Special Commonwealth Committee
940	Special Commonwealth Committee
941	Revenue
942	Education
943	Miscellaneous Subjects
944	Government, Military and Veterans Affairs
945	Revenue

946	Miscellaneous Subjects
947	Miscellaneous Subjects
948	Miscellaneous Subjects
949	Miscellaneous Subjects

(Signed) Vard Johnson, Chairperson
Legislative Council, Executive Board

MOTION - Reconsider LB 68

Mr. Hoagland moved to reconsider the motion to indefinitely postpone LB 68.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 416. Placed on Select File as amended.
E & R amendment to LB 416:
AM5181

1. On page 3, line 2, after the second comma insert "or"; and in line 3 strike the comma.

LEGISLATIVE BILL 416A. Placed on Select File as amended.
E&R amendment to LB 416A:
AM5182

1. In the Fenger amendment adopted on January 9, 1984, on page 1, line 2, strike the comma after "1984" and insert a comma after the last quotation mark; in line 3 strike the comma after "1985" and insert a comma before the second "and"; and in line 5 strike the period after "1986" and insert a period after the last quotation mark.

2. On page 1, line 3, and page 2, line 8, strike "First" and insert "Second" and strike "1983" and insert "1984".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. L. Johnson asked unanimous consent to have his name added as co-introducer to LR 240. No objections. So ordered.

MR. HEFNER PRESIDING

GENERAL FILE

LEGISLATIVE BILL 420. Title read. Considered.

Standing Committee amendments, AM1232, found in the Journal on page 1707, for the Seventieth Day, First Session, were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:
AM1637

1. On page 1, line 1, after the first comma insert "line 4, after the semicolon insert 'and'; in"; in line 6 after the quotation marks insert "strike beginning with the semicolon in line 8 through 'entity' in line 10; and in line 27 after 'her' insert 'operating a motor vehicle or'.".

2. Insert the following new amendment:

"3. Strike original section 2 and insert the following new section:

'Sec. 2. No governmental agency or its representative, when acting in an official capacity in response to a hazardous waste emergency which threatens or appears to threaten public health and safety, shall be liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering in good faith any such services as such representative during the emergency.'.".

Amendment pending.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 955. By Wesely, 26th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1983; to change certain exemptions from the sales and use tax; to provide for appropriations as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 956. By Eret, 32nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3507, Reissue Revised Statutes of Nebraska, 1943, and section 77-3524, Revised Statutes Supplement, 1983; to change provisions relating to homestead exemptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 957. By Eret, 32nd District.

A BILL FOR AN ACT relating to schools; to amend section 79-403, Revised Statutes Supplement, 1982; to change certain requirements relating to school district boundaries; and to repeal the original section.

LEGISLATIVE BILL 958. By Newell, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2704, 77-2715.01, 77-3510, 77-3512 to 77-3514, and 77-3516, Revised Statutes Supplement, 1983; to change provisions relating to sales and use tax exemptions; to set tax rates; to change provisions relating to setting tax rates; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 959. By Pappas, 42nd District.

A BILL FOR AN ACT relating to state agencies; to amend section 81-1111.01, Reissue Revised Statutes of Nebraska, 1943; to allow creditors of state agencies to charge interest as prescribed; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 171. Title read. Considered.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mrs. Labedz requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Chronister
Haberman
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kilgarin
Labedz
Lundy
Pappas
Peterson, H.
Rupp
Schmit
Scofield
Sieck
Vickers
Wagner
Withem

Voting in the negative, 21:

Abboud Barrett Beyer Carsten Chambers
Clark Fenger Goll Hannibal Kahle
Lamb Landis Marsh McDonald Morehead
Newell Peterson, R. Pirsch Remmers Von Minden
Wesely

Present and not voting, 2:

Beutler Eret

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

DeCamp Nichol Warner

Failed to advance to E & R for Review with 22 ayes, 21 nays, 2 present and not voting, 1 absent and not voting, and 3 excused and not voting.

MR. CLARK PRESIDING

LEGISLATIVE BILL 232. Title read. Considered.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 960. By Landis, 46th District.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-910, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to create the Eminent Scholars Program; to create a fund; to provide procedures; to provide criteria; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 961. By Harris, 27th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1455, Reissue Revised Statutes of Nebraska, 1943, sections 49-1401, 49-1403, and

49-1464, Revised Statutes Supplement, 1982, and section 49-1469, Revised Statutes Supplement, 1983; to require the disclosure of certain information relating to principals, lobbyists, political action committees, and certain candidates as prescribed; to provide for the publication of certain campaign contribution information as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 962. By Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; V. Johnson, 8th District; Landis, 46th District; Lundy, 36th District; Pappas, 42nd District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2103 to 77-2105, 77-2706.01, 77-2719, 77-2725, 77-2753, 77-2754 to 77-2758, 77-2770, 77-2781, 77-2785, 77-2786, 77-2788, 77-2790, 77-2791, 77-27,104, 77-27,119, 77-27,125, 77-27,130, and 81-1247, Reissue Revised Statutes of Nebraska, 1943, sections 2-1208.01, 77-2102, 77-2705, 77-2706, and 77-2711, Revised Statutes Supplement, 1982, and sections 77-2702, 77-2712, 77-2715.06, 77-2716, and 77-2769, Revised Statutes Supplement, 1983; to change provisions relating to taxes and revenue as prescribed; to change provisions relating to estate taxes; to redefine terms; to change provisions relating to sales and use taxes; to change provisions relating to tax collection; to change provisions relating to income taxes as prescribed; to change provisions relating to withholdings; to change provisions relating to certain assessments; to define terms; to provide penalties; to provide operative dates; and to repeal the original sections, and also sections 77-2720, 77-2722, and 77-2726, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 963. By Higgins, 9th District.

A BILL FOR AN ACT relating to the Law Enforcement Improvement Fund; to amend sections 81-1415, 81-1416, 81-1423, and 81-1428, Reissue Revised Statutes of Nebraska, 1943, and section 81-1429, Revised Statutes Supplement, 1982; to change provisions relating to the purpose of the fund; to change a court cost; to provide duties; to harmonize provisions; and to repeal the original sections.

VISITORS

Visitors to the Chamber were Greg Holm from Emerson, Joan West, from Wayne State College; Mr. Beutler's mother, Mrs. Jack Beutler, and Mr. R. Johnson's parents, Mr. & Mrs. Virgil Johnson.

RECESS

At 11:56 a.m., on a motion by Mr. Landis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Chronister, Clark, Hannibal, V. Johnson, R. Peterson, Schmit, Vickers, Mesdames Kilgarin, and Labedz who were excused until they arrive.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 828. No objections. So ordered.

STANDING COMMITTEE REPORTS
Banking, Commerce & Insurance

LEGISLATIVE BILL 390. Placed on General File as amended.
Standing Committee amendment to LB 390:
AM1630

1. On page 2, strike beginning with "Interest" in line 3 through the period in line 8 and insert "Interest on all decrees and judgments rendered following the operative date of this act for the payment of money in actions based in tort, except decrees and judgments against the state or any of its political subdivisions, shall be at the rate of ten per cent for the period from ninety days after the action was commenced until such decree or judgment was rendered, and thereafter at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, until such interest shall be paid."; and in line 9 after "money" insert ", including decrees and judgments against the state or any of its political subdivisions for the payment of money in actions based on tort,".

2. Insert the following new section:

"Sec. 2. This act shall become operative on January 1, 1985.".

3. Renumber original section 2 as section 3.

LEGISLATIVE BILL 115. Placed on General File.

LEGISLATIVE BILL 480. Placed on General File as amended.
Standing Committee amendment to LB 480:
AM1594

1. Strike original sections 1 to 22.

2. Insert new sections as follows:

“Section 1. That section 81-199, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-199. (1) Except for the State Real Estate Commission in section 81-198, upon ~~Upon~~ termination, each agency, board, or commission shall continue in existence until July 1 of the next succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of each respective agency. Upon the expiration of the one year after termination, each respective agency shall cease all activities.

(2) Upon termination of the State Real Estate Commission in section 81-198, such commission shall continue in existence until July 1 of the second succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of the commission. Upon expiration of the two years after termination, the commission shall cease all activities.

Sec. 2. That original section 81-199, Reissue Revised Statutes of Nebraska, 1943, is repealed.”.

3. Renumber original section 23 as section 3.

LEGISLATIVE BILL 475. Placed on General File as amended.
Standing Committee amendment to LB 475:
AM1593

1. Strike original sections 1 to 24.

2. Insert new sections as follows:

“Section 1. That section 81-199, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-199. ~~Upon~~ (1) Except for the Abstracters Board of Examiners in section 81-198, upon termination, each agency, board, or commission shall continue in existence until July 1 of the next succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of each respective agency.

Upon the expiration of the one year after termination, each respective agency shall cease all activities.

(2) Upon termination of the State Real Estate Commission in section 81- 198, such commission shall continue in existence until July 1 of the second succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of the commission. Upon expiration of the two years after termination, the commission shall cease all activities.

Sec. 2. That original section 81-199, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

3. Renumber original section 23 as section 3.

(Signed) John DeCamp, Chairperson

UNANIMOUS CONSENT - Withdraw LB 722

Mr. Wesely moved to withdraw LB 722.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 56 in the Journal. No objections. So ordered.

AM1643

1. Strike original section 6 and insert the following new sections:

"Sec. 6. Sections 2 to 5 and 8 of this act shall not become operative until (1) the minimum age for the purchase, sale, and consumption of alcoholic beverages, except beer having an alcoholic content of three and two- tenths per cent or less, in all states adjacent to Nebraska is twenty- one years of age or older or (2) July 1, 1986, whichever occurs first.

Sec. 7. That original section 53-102, Revised Statutes Supplement, 1982, is repealed.

Sec. 8. That original sections 53-180.02, 53-180.04, and 53-180.05, Revised Statutes Supplement, 1982, and section 53-103, Revised Statutes Supplement, 1983, are repealed.".

2. Strike original standing committee amendments 2 and 3.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 964. By Hoagland, 6th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1241 and 28-1248 to 28-1250, Reissue Revised Statutes of Nebraska, 1943, and section 28-1246, Revised Statutes Supplement, 1982; to redefine terms; to change a provision relating to the deposit of certain funds; to limit the sale of permissible fireworks as prescribed; to harmonize provisions; to provide penalties; and to repeal the original sections, and also section 28-1247, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 965. By R. Johnson, 34th District; Pirsch, 10th District; Chronister, 18th District; Beutler, 28th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1912, Revised Statutes Supplement, 1983; to provide for the disclosure of certain information by a defendant; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 232. Considered.

Messrs. Wesely and Hoagland renewed their pending amendment, AM0266, printed separate from the Journal and refered to on page 733, First Session.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beyer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Wesely - Hoagland pending amendment lost with 9 ayes, 26 nays, 12 present and not voting, and 2 excused and not voting.

Mr. Haberman offered the following amendment:
To amend LB 232 as follows:
Section 1 - Strike the original sections. Insert contents of LB 647.

Mr. Haberman asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Sieck moved to indefinitely postpone LB 232.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 966. By Abboud, 12th District; Von Minden, 17th District; Kahle, 37th District; Eret, 32nd District; Pirsch, 10th District; Hoagland, 6th District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to recall elections; to amend section 23-2010.03, Revised Statutes Supplement, 1982; to change a time for filing petitions; and to repeal the original section.

LEGISLATIVE BILL 967. By Warner, 25th District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-815.27, Reissue Revised Statutes of Nebraska, 1943; to limit certain actions of the commission as prescribed; to provide duties; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.
AM1640

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) Except as provided in subsection (2) of this section, no settlement, release from liability, or statement, either oral, recorded, or otherwise (a) from an injured patient who is under the care of a licensed physician or is hospitalized or (b) from the spouse, or if unmarried the next of kin, of a deceased party, may be used by any person or agent of any person whose interest is adverse to such patient, or to the spouse or closest relative of the deceased party, in any civil litigation relating to the personal injury of the patient or the death of the party, if such settlement, release, or statement has been executed, received, or taken before the expiration of thirty days from the date of the occurrence which caused the injury or death.

(2) The provisions of subsection (1) of this section relating to settlements, releases, and statements obtained by a person whose interest is or may become adverse, to an injured patient shall not apply if at least five days prior to obtaining the settlement, release, or statement, the injured patient has signified in writing, by a statement acknowledged before a notary public who has no interest adverse to the injured patient, his or her willingness to make a settlement, release, or statement.

Sec. 2. Nothing in section 1 of this act shall preclude the taking of statements by peace officers, as defined in section 49-801, acting in their official capacity in the ordinary course of their employment or the use of such statements as permitted by the Nebraska Evidence Rules or rules of the court relating to the admission of evidence.".

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 453. Placed on General File as amended.
Standing Committee amendment to LB 453:
AM1629

1. On page 2, line 5, after "loan" insert "association"; in line 6 strike "noninterest-bearing" and show as stricken; in line 15, after the period insert "Any interest received on such account shall be distributed in the manner agreed by the parties in writing."; and in line 17 strike "bank or banks", show as stricken, and insert "depository".

(Signed) John DeCamp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 56. Considered.

MR. BEUTLER PRESIDING

Messrs. Wesely and Hannibal offered the following amendment:
AM1642

1. Strike original section 6 and insert the

following new sections:

"Sec. 6. Sections 2 to 5 and 8 of this act shall not become operative until the minimum age for the purchase, sale, and consumption of alcoholic beverages in all states adjacent to Nebraska is twenty- one years of age or older.

Sec. 7. That original section 53-102, Revised Statutes Supplement, 1982, is repealed.

Sec. 8. That original sections 53-180.02, 53-180.04, and 53-180.05, Revised Statutes Supplement, 1982, and section 53-103, Revised Statutes Supplement, 1983, are repealed.".

2. Strike standing committee amendments 2 and 3.

Mssers. Wesely and Hannibal offered the following amendment to their pending amendment:
AM1644

1. On page 1, line 4, strike "not" and strike "until" and insert "on January 1, 1986, if".

Mr. Wesely moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Wesely requested a roll call vote on the Wesely-Hannibal amendment.

Voting in the affirmative, 25:

Abboud
Beutler
Carsten
DeCamp
Eret
Haberman
Hannibal
Harris
Higgins
Hoagland
Johnson, R.
Johnson, V.
Kilgarin
Landis
McDonald
Morehead
Newell
Rupp
Schmit
Scofield
Sieck
Vickers
Warner
Wesely
Withem

Voting in the negative, 23:

Barrett
Beyer
Chambers
Chronister
Clark
Fenger
Goll
Goodrich
Hefner
Jacobson
Johnson, L.
Kahle
Lamb
Lundy
Marsh
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Von Minden
Wagner

Present and not voting, 1:

Labedz

The Wesely-Hannibal pending amendment to the Wesely-Hannibal amendment was adopted with 25 ayes, 23 nays, and 1 present and not voting.

The Chair declared the Call raised.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Wesely requested a roll call vote on the Wesely-Hannibal amendment as amended.

Voting in the affirmative, 22:

Abboud
Carsten
DeCamp
Eret
Goodrich
Haberman
Hannibal
Harris
Higgins
Johnson, R.
Johnson, V.
Landis
McDonald
Newell
Rupp
Schmit
Scofield
Sieck
Vickers
Wagner
Wesely
Withem

Voting in the negative, 26:

Barrett
Beutler
Beyer
Chambers
Chronister
Clark
Fenger
Goll
Hefner
Hoagland
Jacobson
Johnson, L.
Kahle
Kilgarin
Lamb
Lundy
Marsh
Morehead
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Von Minden
Warner

Present and not voting, 1:

Labedz

The Wesely-Hannibal amendment lost with 22 ayes, 26 nays, 1 present and not voting.

Pending.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 232 in the Journal. No objections. So ordered.

"Notwithstanding any other provision of law, no tax shall be levied on real and personal property located in a subdistrict or a natural resource district wherein the number of residents as of the most recent federal census exceeds by 10% the number of residents in any of the other subdistricts or such natural resource district.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 968. By Haberman, 44th District; Remmers, 1st District; R. Peterson, 21st District; Chronister, 18th District; Eret, 32nd District.

A BILL FOR AN ACT relating to roads; to amend section 39-703, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty relating to road damage caused by mechanical malfunctions of irrigation equipment; and to repeal the original section.

LEGISLATIVE BILL 969. By Haberman, 44th District.

A BILL FOR AN ACT relating to prairie dogs; to amend section 2-1063, Reissue Revised Statutes of Nebraska, 1943; to relieve certain officials of the duty to exterminate as prescribed; and to repeal the original section, and also sections 2-1064 and 2-1065, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 970. By Haberman, 44th District; Vickers, 38th District; Scofield, 49th District; Lundy, 36th District; Kahle, 37th District; Remmers, 1st District; Hefner, 19th District; Kilgarin, 7th District; Von Minden, 17th District; Carsten, 2nd District; Clark, 47th District; R. Johnson, 34th District; Barrett, 39th District; Chronister, 18th District; V. Johnson, 8th District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to state colleges; to amend sections 85-941, 85-951, 85-954 to 85-956, and 85-958, Reissue Revised Statutes of Nebraska, 1943; to authorize certain master's programs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 971. By Wesely, 26th District.

A BILL FOR AN ACT relating to the school retirement system; to amend section 79-1501, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 972. By Judiciary Committee: Beutler, 28th District, Chairperson; Abboud, 12th District; Chronister, 18th District; Jacobson, 33rd District; R. Johnson, 34th District; Pirsch, 10th District;

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-245 to 43-247, 43-251, 43-258, 43-261, 43-264, 43-279, 43-282, 43-285, 43-289, 43-295, 43-296, 43-298, 43-299, 43-2,107, 43-2,109, 43-2,113, 43-2,128, and 43-2,129, Revised Statutes Supplement, 1982; to redefine terms; to require the court to explain certain rights, proceedings, and dispositions to parents and other custodians of juveniles as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 973. By Judiciary Committee: Beutler, 28th District, Chairperson; Chronister, 18th District; Jacobson, 33rd District; R. Johnson, 34th District; Pirsch, 10th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-2,111 to 43-2,113, Revised Statutes Supplement, 1982; to change provisions relating to the establishment of separate juvenile courts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 974. By Judiciary Committee: Beutler, 28th District, Chairperson; Chronister, 18th District; Jacobson, 33rd District; R. Johnson, 34th District; Pirsch, 10th District;

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1901, Reissue Revised Statutes of Nebraska, 1943, and sections 24-541.01 and 43-2,106, Revised Statutes Supplement, 1982; to provide a procedure for appeals from proceedings terminating parental rights as prescribed; to provide for the review of orders terminating parental rights; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING
Administrative Rules and Regulations

LB 762	Monday, January 23, 1984	7:00 p.m.

(Signed) Emil Beyer, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Higgins asked unanimous consent to have her name added as co-introducer to LB 698. No objections. So ordered.

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 861. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 56. Considered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Speaker Nichol requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Barrett
Beyer
Carsten
Chambers
Chronister
Clark
Fenger
Goll
Goodrich
Hefner
Hoagland
Jacobson
Johnson, L.
Kahle
Kilgarin
Lamb
Landis
Lundy
Marsh
Morehead
Nichol
Pappas
Peterson, H.
Peterson, R.
Remmers
Von Minden
Warner
Withem

Voting in the negative, 13:

Abboud
Beutler
Hannibal
Harris
Johnson, R.
Johnson, V.
Newell
Rupp
Schmit
Scofield
Sieck
Vickers
Wesely

Present and not voting, 8:

DeCamp
Eret
Haberman
Higgins
Labedz
McDonald
Pirsch
Wagner

Advanced to E & R for Review with 28 ayes, 13 nays, and 8 present and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 975. By Landis, 46th District.

A BILL FOR AN ACT relating to elections; to amend sections 14-212 and 79-464, Reissue Revised Statutes of Nebraska, 1943, and sections 19-425, 19-433, 19-613.01, and 32-4,152, Revised Statutes Supplement, 1982; to provide for a uniform method of recall for elected officials of certain political subdivisions; to harmonize recall and special election provisions; to eliminate current procedures; and to repeal the original sections, and also sections 14-1033, 19-629 to 19-631, 19-633 to 19-635, 19-637, 70-618, 79-463, 79-547.01, and 79-605, Reissue Revised Statutes of Nebraska, 1943, sections 14-209, 19-424, 19-426, 19-628, 19-636, 19-4201 to 19-4204, 19-4206 to 19-4211, and 23-2010 to 23-2010.10, Revised Statutes Supplement, 1982, and sections 2-3216, 19-632, and 19-4205, Revised Statutes Supplement, 1983.

LEGISLATIVE BILL 976. By Haberman, 44th District.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend section 81-201, Reissue Revised Statutes of Nebraska, 1943; to create a fund; to provide for its use; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 977. By Haberman, 44th District.

A BILL FOR AN ACT relating to weights and measures; to amend section 89-187, Revised Statutes Supplement, 1983; to change certain dates relating to fees for certain weighing and measuring devices; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 978. By Morehead, 30th District.

A BILL FOR AN ACT relating to consignment auction houses; to define terms; to require licenses; to provide powers and duties; to provide a fee; and to provide a penalty.

VISITORS

Visitors to the Chamber were sixty-eight 5th graders and teacher from Belmont School in Lincoln; and forty-five members from the Nebraska Realtors Association.

ADJOURNMENT

At 4:13 p.m., on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Thursday, January 12, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 12, 1984

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 12, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 12, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Reverend Ray Greenseth, St. Paul's Lutheran Church, Wakefield, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, Hoagland, Newell, Rupp, Sieck, Miss Kilgarin, Mesdames Higgins, Labedz, and Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

STANDING COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 473. Placed on General File as amended.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM1628.)

(Signed) John DeCamp, Chairperson

EXECUTIVE BOARD ANNOUNCEMENT

RE: Bill Introduction

Our Bill Drafter, Joanne Pepperl, tells me that she can guarantee six-parts on bills by the end of the tenth legislative day if she has the request for the six-part in her hands by 5:00 p.m., Friday, January 13, 1984.

Accordingly, you are on notice that you must have your request for a bill in the hands of the bill drafter by Friday, January 13, 1984 at 5:00 p.m. if you plan to have a completed bill to introduce during the first ten days of this session.

If you have any questions about this time line, do not hesitate to take them up with me.

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1983 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Platte South	$17,316.16
Little Blue	
Crosby, Guenzel, Davis, Kessner & Kuester	$22,223.79
Dan W. Baird	$1,750.00
Middle Missouri Tribs	
Uhlir & Horneber	$7,371.20
Patrick Rensch	$5,500.00

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 56 in the Journal. No objections. So ordered.

AM1591

1. Insert the following new sections:

"Sec. 6. (1) Any licensee licensed under subdivisions (5)A., (5)C., (5)F., (5)G., (5)H., (5)I., (5)J., and (9) of section 53- 124 shall be liable for all actual damages incurred by any person who suffers personal injury or property damage or whose means of support is impaired if such licensee or his or her employee (a) sells or gives any beer or intoxicating liquor which is consumed on the licensee's premises to any person while such person is intoxicated or (b) serves any person to a point where he or she becomes intoxicated and the intoxicated person subsequently causes the personal injury or property damage to or impairs the means of support of such person. For purposes of this section, a person shall be considered intoxicated when he or she is under the influence of alcoholic liquor or when that person has ten hundredths of one per cent or more by weight of alcohol in his or her body fluid as shown by chemical analysis of his or her blood, breath, or urine. If the injury was caused by an intoxicated person, a licensee may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the intoxicated person.

(2) Every licensee licensed under subdivisions (5)A., (5)C., (5)F., (5)G., (5)H., (5)I., (5)J., and (9) of section 53- 124, shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in an amount determined by the Nebraska Liquor Control Commission.

Sec. 7. Within six months of the date of the occurrence of an injury, the injured person shall give written notice to the licensee or the licensee's insurance carrier of his or her intention to bring an action pursuant to section 6 of this act. Such notice shall indicate the time, place, and circumstances causing the injury. If the injured person is incapacitated at the end of the six- month period or such person is unable, through reasonable diligence, to discover the name of the licensee or the person causing the injury, such six- month period shall be extended until such time as the incapacity is removed or such person has had a reasonable time to discover the name of the licensee or the person causing the injury.

Sec. 8. Sections 6 and 7 of this act shall not apply to any person hosting a private social gathering of friends or relatives in a private home or a private place which is not of a commercial nature, where goods or services are not purchased or sold, and where no charge, rent, or any other thing of value is exchanged for the use of such premises for any purpose other than for sleeping quarters.".

2. Renumber the remaining sections accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: 239, 240, 241.

ATTORNEY GENERAL'S OPINION

Opinion No. 175
January 10, 1984

Dear Senator Beutler:

This is in response to your letter of December 15, 1983, concerning proposed legislation to amend Neb.Rev.Stat. §77-624 (Supp. 1983). This statute provides a method for allocating the value of car line companies to the state of Nebraska for property taxation purposes. It does so by use of a so-called "miles-to-miles" formula. In addition, the statute specifically provides that, "No other method of allocation shall be used." You perceive a constitutional problem stemming from improper "valuation" as a result of the application of this statute and your proposed legislation is apparently intended to correct this problem by removing any restrictions on the method used to allocate car line values to Nebraska.

It is important to note from the outset that valuation and allocation are two entirely separate steps in the taxation of car line companies. In actuality all the property of the car line companies, i.e., the cars themselves, is valued using the standard methods of valuation outline in statute and the Constitution. Since the car line companies, and the property itself, are engaged in interstate operations a portion of that value must thus be subsequently allocated to the State of Nebraska. Since valuation has already been performed, the Nebraska statutory and constitutional requirements pertaining to valuation do not have any bearing on the process of allocating a portion of this value to Nebraska.

Essentially, the only requirement that courts have placed upon the allocation of values is that they produce a reasonable result, in that any formula used must bear a rational relationship to property values connected with the taxing state. In the case of Norfolk & W.R. Co. v. Tax Commission, 390 U.S. 317 (1968), the Court did not hold the statutory allocation formula in question invalid, rather it merely determined that its application to the particular facts at hand achieved an unconstitutional result. It is important to note that the "miles-to-miles" formula at issue in this case involved the total number of miles of track owned by the railroad compared to the miles of track owned by the railroad within the taxing state. When valuing rolling stock this could obviously achieve some strange results as it did in this case. In Nebraska the "miles-to-miles" formula is based on the total miles traveled by the rolling stock of the car line company compared to the miles traveled within the state. The differences between the results achieved by application of these two statutes should be obvious.

In the Norfolk case, supra, the Court set forth the pertinent principles of law.

> It is of course settled that a State may impose a property tax upon its fair share of an interstate transportation enterprise. . . .That fair share may be regarded as the value, appropriately ascertained, of tangible assets permanently or habitually employed in the taxing State, including a portion of the intangible, or "going-concern," value of the enterprise. . . . As a consequence, the States have been permitted considerable latitude in devising formulas to measure the value of tangible property located within their borders. . . . A number of such formulas have been sustained by the Court, even though it could not be demonstrated that the results they yielded were precise evaluations of assets located within the taxing State.

Id. at 390 U.S. 323, 324.

> Any formula used must bear a rational relationship, both on its face and in this application, to property values connected with the taxing State.
>
> . . . This Court has, in various contexts, permitted mileage formulas as a basis for taxation. . . . A railroad challenging the result reached by the application of such a formula has a heavy burden. . . . It is confronted by the vastness of the State's taxing power and the latitude that the exercise of that power must be given before it encounters constitutional restraints. Its task is to show that application of the mileage method in its case has resulted in such gross overreaching, beyond the values represented by the intrastate assets purported to be taxed, as to violate the Due Process and Commerce Clauses of the Constitution.

Id. at 325, 326.

There would seem to be nothing inherently improper on the face of the present "miles-to-miles" allocation formula, including the limitation imposed by the statute. If a car line company could meet the burden imposed upon it, and show that the result obtained by application of this formula was completely unreasonable, then strict application of the statue would obviously be improper under those circumstances. We are not aware of any car line company which has made such a showing before a court of law in this state.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm

Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 340. Indefinitely postponed.
LEGISLATIVE BILL 502. Indefinitely postponed.

(Signed) John DeCamp, Chairperson

MOTION - Withdraw LB 722

Mr. Wesely renewed his pending motion found in the Journal on page 366 to withdraw LB 722.

The motion prevailed with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 633. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 634. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 635. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 636. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 637. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not

voting, and 4 excused and not voting.

LEGISLATIVE BILL 638. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 639. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 640. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 641. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 642. Title read. Considered.

Ms. Scofield offered the following amendment:
AM1646

1. Insert the following new sections:

"Section 1. (1) The county superintendent of each county in which a Class VI school is not maintained shall, within thirty days after the annual meeting, certify to the county board of supervisors or commissioners the number of qualified pupils whose parents or guardians have applied to the county superintendent for nonresident high school tuition privileges or special education requirements and a list of school districts and servicing agencies for handicapped pupils which have been approved by the State Board of Education as schools or service agencies qualified to grant nonresident public high school education or special education programs to nonresident pupils under the provisions of sections 79- 494 to 79- 4,106 for nonhandicapped pupils and under the provisions of sections 43- 606 and 43- 646 for handicapped high school age pupils.

(2) The high school tuition rate for nonresident pupils shall be determined annually by the

receiving district on a uniform taxation basis for the support of the high school program of the receiving district. In computing the high school tuition rate for nonresident pupils as provided in this section, the receiving district may use data from the immediately preceding school year or the current year, whichever appears more practical as determined by the governing board of the receiving district. (a) The calculation shall take the total current expense of the accepting district for grades nine through twelve only, plus ten per cent depreciation on the insurable or present value of the school plant and equipment. (b) Such figure shall be divided by an amount equal to the most current total valuation on record with the county clerk of the receiving district plus the valuation determined by multiplying the most current valuation on record with the county clerk of all Class I school districts, not part of any Class VI school district, in the county times a ratio equal to the number of students from the county registered to attend the receiving district for the ensuing year to the total number of nonresident students registered in the county for the ensuing year. (c) The figure resulting from dividing the expenses in subdivision (a) of this subsection by the total valuation in subdivision (b) of this subsection shall determine a levy to be assessed against such total valuation determined in subdivision (b) of this subsection for the operation of the secondary level program.

The levy determined shall be multiplied by the proportion of the total valuation of the Class I school districts of each county served by the receiving district to determine the dollars to be raised by the Class I school districts and the product of such computation shall be divided by the total number of nonresident pupils registered to attend the receiving district to determine the per pupil rate for nonhandicapped pupils. The rate to be certified by the receiving district for the ensuing school year may be any amount decided by the receiving board but not less than the per pupil cost and shall not exceed one hundred twenty- five per cent of the computed rate determined by this section. There shall be added to the certified rate an additional service rate for handicapped pupils as provided by the rules and regulations adopted and promulgated by the State Board of Education. The superintendent of the receiving school shall certify such high school tuition rate for nonresident pupils to the county superintendent on or before the second Monday of July in each year.

(3) Any taxpayer may appeal from the action of the county board of equalization in setting the nonresident high school tuition levy in the manner provided in sections 77-1606 to 77-1610. The county treasurer, the county superintendent, and each school district receiving funds from the nonresident high school tuition affected by the appeal shall be necessary parties. If the taxpayer alleges that the levy for nonresident high school tuition is for an unlawful or unnecessary purpose or in excess of the requirements of the school district fixing nonresident high school tuition, such appeal shall not in any manner suspend the collection of any tax nor the duties of the officers relating to such tax collection while such appeal is pending. Notwithstanding the provisions of sections 77-1606 to 77-1610, such appeal shall not suspend or stay in any manner the distribution of nonresident high school tuition funds.

(4) A taxpayer initiating an appeal may, as a part of such appeal and without instituting a separate action, apply to the court for injunctive relief pursuant to the provisions of sections 25-1062 to 25-1080 to stay or suspend the distribution of nonresident high school tuition funds while the appeal is pending. If an appeal is brought under this subsection and the court orders the taxpayer to give security, such security shall be an amount sufficient to secure the party enjoined and any other necessary party the damages he, she, or it may sustain, if the court decides that the injunction was wrongfully granted.

(5) The provisions of this section may be used retroactively to compute nonresident high school tuition rates.

Sec. 2. That section 79-498, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-498. To be entitled under section 79-494 to nonresident public school education in the tenth, eleventh, or twelfth grade of any public school district maintaining such grade, a pupil must have a certificate signed by the county superintendent of the proper county that he or she has completed the course of study for the preceding grade, and that he or she is unable to secure instruction in the next advanced grade in the public school district of his or her residence. When ~~; Provided, that when~~ a school district is annexed to or merged with another district, the board of education of the annexing district may pay the tuition in the amount provided for by section 1 of this act ~~79- 4,102~~ of students who at the time of such annexation are attending high school in a district other than such annexing district, for such time as may be necessary to complete the prescribed high school course for graduation in such other district.

Sec. 3. That section 79-4,100, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,100. Any public high school district may refuse admission to any or all nonresident pupils, if the amount of nonresident high school tuition as fixed in section 1 of this act ~~79- 4,102~~ is not compensatory, or if such nonresident pupils are from districts which are not now being served or have not previously been served by the high school district, except ~~; Provided,~~ that no public high school district may refuse admission to nonresident pupils effective prior to the beginning of the 1963-1964 school year, and effective then, or at the beginning of any school year thereafter, only if notice of its intention to refuse admission to nonresident pupils has been given ~~by July 15, 1963, for the 1963- 1964 school year, and~~ by October 1 of the preceding year for the 1964-1965 school year and the school years thereafter, by publication in a legal newspaper in the county where such high school is located. Any ~~; and provided further, that any~~ school district may by public notification prior to October 1 require that the parents or guardians of all nonresident pupils must make application on or before April 1 for admission to the following school term.".

2. On page 2, line 1, after "That" insert "original section 79-498 and 79-4,100, Reissue Revised Statutes of Nebraska, 1943, and also"; and in line 2 after the third comma insert "and section 79-4,102, Revised Statutes Supplement, 1982,".

3. Renumber original section 1 as section 4.

Mr. DeCamp requested LB 642 be referred to Reference Committee pursuant to Rule 6, Sec. 2(b).

The Speaker ordered LB 642 be sent to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 979. By Beutler, 28th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend 28-612, Revised Statutes Supplement, 1983; to provide penalties for certain acts; to redefine a term; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 980. By Beutler, 28th District.

A BILL FOR AN ACT relating to licenses; to amend section 81-8,133.01, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the licensing of seconds; and to repeal the original section.

LEGISLATIVE BILL 981. By Education Committee: Vickers, 38th District, Chairperson; Eret, 32nd District; Goll, 16th District; Harris, 27th District; Hoagland, 6th District; Newell, 13th District; Scofield, 49th District.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-901, 85-902, 85-905, 85-907 to 85-911, and 85-913, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to define a term; to create a system of program review for public postsecondary institutions as prescribed; to change the composition of the Nebraska Coordinating Commission for Postsecondary Education as prescribed; to provide duties; to harmonize provisions; to provide severability; and to repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp and Mr. H. Peterson asked unanimous consent to print the following amendment to LB 668 in the Journal. No objections. So ordered.

AM1627

1. On page 2, in lines 3 and 12, strike "application" and insert "information form"; strike

beginning with "but" in line 15 through "test" in line 16; strike beginning with "Such" in line 21 through the period in line 24 and insert "The test may be administered or monitored by the county superintendent of schools. The results of such test shall be made available to the parent or guardian of each student being tested and to the county superintendent of schools."; and in line 26 strike "right" and insert "privilege".

2. On page 3, line 7, after "all" insert "reasonable"; and strike beginning with "for" in line 7 through "state" in line 8.

RESOLUTION

LEGISLATIVE RESOLUTION 242CA.

Introduced by Beutler, 28th District.

A Resolution to propose an amendment to Article IV, section 2, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article IV, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 2. (1) No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his or her election a resident and citizen of this state and a citizen of the United States. None of the appointive officers mentioned in this article shall be eligible to any other state office during the period for which they have been appointed.

(2) No person shall be eligible for the office of Auditor of Public Accounts who shall not have been immediately prior to his or her election (a) a resident and citizen of this state and the United States and (b) a certified public accountant.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to establish eligibility requirements for the office of Auditor of Public Accounts.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

MOTION - Rerefer Bills

Mr. DeCamp renewed his pending motion found in the Journal on page 353 to rerefer LB's 882, 883, 884, and 885 to General File pursuant to Rule 6, Section 2.

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending motion to rerefer LB's 882, 883, 884, and 885 to General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE RESOLUTION 1CA. Read. Considered.

Mr. Haberman requested a record vote on the advancement of the resolution.

Voting in the affirmative, 29:

Barrett
Beyer
Carsten
Chronister
Clark
Goll
Goodrich
Hannibal
Harris
Hefner
Higgins
Jacobson
Johnson, L.
Johnson, R.
Labedz
Lamb
Lundy
Marsh
McDonald
Morehead
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Wagner
Warner

Voting in the negative, 11:

Abboud
Chambers
DeCamp
Eret
Haberman
Johnson, V.
Kahle
Kilgarin
Landis
Newell
Pappas

Present and not voting, 8:

Beutler	Fenger	Schmit	Sieck	Vickers
Von Minden	Wesely	Withem		

Excused and not voting, 1:

Hoagland

Advanced to E & R for Review with 29 ayes, 11 nays, 8 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 783	Monday, January 23, 1984	1:30 p.m.
LB 822	Monday, January 23, 1984	1:30 p.m.
LB 720	Monday, January 23, 1984	1:30 p.m.
LB 860	Tuesday, January 24, 1984	1:30 p.m.
LB 900	Tuesday, January 24, 1984	1:30 p.m.
LB 561	Tuesday, January 24, 1984 (re-hearing)	1:30 p.m.
LB 724	Tuesday, January 31, 1984	1:30 p.m.
LB 761	Tuesday, January 31, 1984	1:30 p.m.

(Signed) George Fenger, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 982. By Education Committee: Vickers, 38th District, Chairperson; Eret, 32nd District; Goll, 16th District; Hoagland, 6th District; Lamb, 43rd District; Scofield, 49th District.

A BILL FOR AN ACT relating to schools; to provide intent; to provide for the establishment of community education programs as prescribed; to provide duties; and to make an appropriation.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. R. Peterson asked unanimous consent to have his name added as co-introducer to LB 852. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 243.

Introduced by DeCamp, 40th District; and V. Johnson, 8th District.

WHEREAS, the Nebraska Legislature has established an appropriation process under Rule 8 of the Rules of the Nebraska Unicameral;

WHEREAS, the Legislature's appropriation process calls for the Appropriations Committee to issue a preliminary budget report and recommend a total General Fund appropriation for each year of the following biennium;

WHEREAS, the state agencies have requested approximately $890.2 million in new General Fund appropriations for 1984-85 and approximately $895.8 million in new General Fund appropriations for 1985-86;

WHEREAS, it is recognized the Appropriations Committee has not completed an extensive review of state programs resulting in the introduction of legislation that reduces the scope of state government, increases fees to finance services, or provide for cost containment;

WHEREAS, the Appropriations Committee has not had the opportunity to issue the report required by Section 2 of Rule 8;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature recommends a maximum General Fund appropriation of $803.2 million for 1984-85 and $827.3 million for 1985-86 with the exception that additions may be made to the maximum appropriation for the singular and express purpose of property tax relief.

Laid over.

SELECT FILE

LEGISLATIVE RESOLUTION 10CA. Read. Considered.

Mrs. Morehead offered the following amendment:
AM1650

1. On page 2, line 14, after "license" insert "or which are local branches of a national or international nonprofit fraternal organization"; and in line 24 after "established" insert "and to permit the conduct of bingo games by certain associations".

Mrs. Morehead moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Morehead amendment was adopted with 35 ayes, 10 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers moved to indefinitely postpone LR 10CA.

MR. LAMB PRESIDING

The Chambers motion to indefinitely postpone prevailed with 25 ayes, 9 nays, 14 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

LB 819	Thursday, February 2	1:30
LB 909	Friday, February 3	1:30
LB 920	Friday, February 3	1:30
LB 944	Friday, February 3	1:30
LB 921	Friday, February 10	1:30
LB 933	Friday, February 10	1:30
LB 934	Friday, February 10	1:30

(Signed) David Landis, Chairperson

Agriculture and Environment

LB 662	Thursday, January 19, 1984	1:30
LB 670	Thursday, January 19, 1984	1:30
LB 779	Thursday, January 19, 1984	1:30
LB 969	Thursday, January 19, 1984	1:30
LB 976	Thursday, January 19, 1984	1:30
LB 977	Thursday, January 19, 1984	1:30
LB 767	Thursday, January 19, 1984	1:30

(Signed) Rex Haberman, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 9, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Dennis, Michael E. - Lincoln, Sierra Club, Nebraska Chapter
Ellsworth, Jane P. - Omaha, Junior League of Omaha
Fellman, Marc M. - Omaha, Video Consultants of Nebraska, Inc.
Jacobsen, Ford K. - Omaha, (withdrawn 1/5/84) Metropolitan Utilities District
Lococo, Barbara - Lincoln, United Transportation Union
Meyer, Gene - Omaha, Video Consultants of Nebraska, Inc.
Tews & Radcliffe:
  Radcliffe, Walter H. - Lincoln, Nebraska Corn Growers Association (withdrawn 1/3/84); Nebraska State National Hairdressers & Cosmetologists Association (withdrawn 1/3/84)
Wall, Sue Ellen - Lincoln, Nebraska Parent Teacher Association (PTA)

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson and Mr. DeCamp asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM1635

(Amendments to the Standing Committee Amendments)

1. On page 3, line 18, after "determination" insert "except to make an initial determination of indigency of a person under arrest for investigation or on suspicion"; and in line 21 after "indigency" insert ", except an initial determination of indigency of a person under arrest for investigation or on suspicion".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 983. By Schmit, 23rd District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-6,179, Revised Statutes Supplement, 1983; to provide for the operation of longer vehicles as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 984. By Schmit, 23rd District.

A BILL FOR AN ACT relating to water development projects; to adopt the Nebraska Water Project Revenue Bonding Act.

LEGISLATIVE BILL 985. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Natural Resources Commission; to amend section 2-3264, Reissue Revised Statutes of Nebraska, 1943; to create a reserve fund; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 986. By Beutler, 28th District; R. Johnson, 34th District; Chronister, 18th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-248, 43-249, and 43-279, Revised Statutes Supplement, 1982; to change provisions relating to the temporary custody of juveniles as prescribed; to change a provision relating to the rights of parties in certain juvenile cases; and to repeal the original sections.

LEGISLATIVE BILL 987. By Hoagland, 6th District.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1012.02, Revised Statutes Supplement, 1982, and sections 25-502.01, 25-821, 25-1011, and 42-364.04, Revised Statutes Supplement, 1983; to change provisions relating to service of process; and to repeal the original sections.

LEGISLATIVE BILL 988. By Barrett, 39th District.

A BILL FOR AN ACT relating to marriage; to amend sections 33-110, 42-104 to 42-107, 42-112, 42-113, 42-115, and 71-614, Reissue Revised Statutes of Nebraska, 1943, sections 33-126.05 and 42-108, Revised Statutes Supplement, 1982, and section 42-121, Revised Statutes Supplement, 1983; to provide certain duties for county clerks; to change a fee; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 989. By Agriculture and Environment Committee: Haberman, 44th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Pappas, 42nd District; R. Peterson, 21st District.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-821 and 81-2,162.03, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to registration of certain feeds, fertilizers, and soil conditioners as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 990. By Agriculture and Environment

Committee: Haberman, 44th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Pappas, 42nd District; R. Peterson, 21st District.

A BILL FOR AN ACT relating to economic poisons and devices; to amend section 2-2603, Revised Statutes Supplement, 1982; to create a fund; to provide for the use of such fund; and to repeal the original section.

LEGISLATIVE BILL 991. By Agriculture and Environment Committee: Haberman, 44th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Pappas, 42nd District; R. Peterson, 21st District.

A BILL FOR AN ACT relating to poultry and egg resources; to amend sections 2-3403, 2-3408, and 2-3413, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to a fee on commercial eggs; to authorize the acceptance of certain funds; and to repeal the original sections.

LEGISLATIVE BILL 992. By Hannibal, 4th District.

A BILL FOR AN ACT relating to public improvements; to amend section 14-3,103, Reissue Revised Statutes of Nebraska, 1943; to provide certain duties for owners of property with sewer connections or driveway approaches; to require the construction of certain sidewalks as prescribed; and to repeal the original section.

LEGISLATIVE BILL 993. By Hannibal, 4th District; Nichol, 48th District; Higgins, 9th District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 85-963, Reissue Revised Statutes of Nebraska, 1943; to authorize academic transfer programs at an additional campus; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 244CA.

Introduced by Schmit, 23rd District.

A Resolution to propose an amendment to Article XIII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS

OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrepealable until such debt is paid, except~~;~~ ~~Provided,~~ that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water projects ~~retention and impoundment structures~~ for the purposes of water conservation and management,including projects for domestic and municipal water supply, sanitary and storm sewers, wastewater treatment, irrigation, flood control, recreation, and fish and wildlife, and such other purposes as will promote the general welfare of the state, it may authorize the issuance of ~~revenue~~ bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such projects or from other sources. The ~~structures; and provided further, that the~~ Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to expand the Legislature's authority to issue bonds for water projects to include, but not be limited to, projects for domestic and municipal water supply, sanitary and storm sewers, wastewater treatment, irrigation, flood control, recreation, and fish and wildlife and to allow the use of project revenue and general revenue of the state to be pledged for repayment.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. H. Peterson asked unanimous consent to have his name added as co-introducer to LB 908. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 950 - 970 and rerefer LB 882 and LB 889 to Education Committee.

LB	Committee
881	Education
889	Education
950	Miscellaneous Subjects
951	Miscellaneous Subjects
952	Education
953	Agriculture and Environment
954	Banking, Commerce and Insurance
955	Revenue
956	Revenue

957	Education
958	Revenue
959	Appropriations
960	Education
961	Miscellaneous Subjects
962	Revenue
963	Judiciary
964	Judiciary
965	Judiciary
966	Government, Military and Veterans Affairs
967	Constitutional Revision and Recreation
968	Public Works
969	Agriculture and Environment
970	Education
994	Education

(Signed) V. Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 590. Title read. Considered.

Standing Committee amendment, AM1220, found in the Journal on page 1707 for the Seventieth Day, First Session, were considered.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendments were adopted with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

Mrs. Higgins requested a record vote on the advancement of the bill.

Voting in the affirmative, 38:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Fenger	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Vickers
Von Minden	Warner	Withem		

Voting in the negative, 0:

Present and not voting, 9:

Clark DeCamp Eret Harris Rupp
Scofield Sieck Wagner Wesely

Excused and not voting, 2:

Pappas Schmit

Advanced to E & R for Review with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 699	Thursday, January 19, 1984	1:30 PM
LB 755	Thursday, January 19, 1984	1:30 PM
LB 946	Thursday, January 19, 1984	1:30 PM
LB 947	Thursday, January 19, 1984	1:30 PM
LB 771	Friday, January 20, 1984	1:30 PM
LB 863	Friday, January 20, 1984	1:30 PM
LB 951	Friday, January 20, 1984	1:30 PM

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 803. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Name

Mr. Jacobson asked unanimous consent to have his name withdrawn as co-introducer to LB 744. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 994. By Education Committee: Vickers, 38th District, Chairperson; Goll, 16th District; Harris, 27th District; Hoagland, 6th District; Newell, 13th District; Scofield, 49th District; at the request of the Governor.

A BILL FOR AN ACT relating to schools; to amend sections 79-101, 79-201, 79-201.06, 79-328, 79-1247.02, 79-1247.05, 79-1247.06, 79-1247.09, 79-1282, 79-1340, 79-2201, 79-2201.01, and 79-2202, Reissue Revised Statutes of Nebraska, 1943, and section 79-12,107, Revised Statutes Supplement, 1982; to provide intent; to define and redefine terms; to provide minimum guidelines for completion of high school; to change a provision relating to compulsory education; to provide additional powers and duties to the State Board of Education; to change provisions relating to accreditation as prescribed; to establish an entry-year assistance program; to change provisions relating to teacher certification as prescribed; to provide for the awarding of stipends as prescribed; to create a scientist-in-residence program; to provide for a dissemination program as prescribed; to make appropriations; to establish a state-level consortium; to change provisions relating to educational service units as prescribed; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 995. By Chronister, 18th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-652, Revised Statutes Supplement, 1982; to change provisions relating to the manner in which benefits shall be charged against employers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 996. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Clark, 47th District; Haberman, 44th District; Labedz, 5th District; Remmers, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-157, 8-903, and 8-1507, Revised Statutes Supplement, 1983; to provide exceptions to certain limitations for entities acquiring or merging with failing institutions; to provide priorities for acquiring failing institutions; to define terms; and to repeal the original sections.

SPEAKER NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 283. Title read. Considered.

Standing Committee amendment, AM0468, found in the Journal on page 680 for the Thirty-Fourth Day, First Session, was considered.

Mr. Von Minden, Haberman, and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson offered the following amendment to the Standing Committee amendment:

Amend the Committee Amendment to LB 283 by striking lines 1 and 2 therein and everything in line 3 through the semi-colon.

Messrs. Goll, Wesely, and Warner asked unanimous consent to be excused. No objections. So ordered.

MR. CLARK PRESIDING

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. V. Johnson requested a record vote on his amendment.

Voting in the affirmative, 17:

Chambers	Chronister	DeCamp	Eret	Goodrich
Harris	Johnson, V.	Kilgarin	Lundy	Marsh
McDonald	Morehead	Newell	Rupp	Scofield
Wagner	Withem			

Voting in the negative, 22:

Abboud	Barrett	Beutler	Beyer	Carsten
Clark	Fenger	Hannibal	Hefner	Jacobson
Johnson, L.	Johnson, R.	Kahle	Labedz	Lamb
Landis	Peterson, H.	Peterson, R.	Remmers	Sieck
Vickers	Von Minden			

Present and not voting, 3:

Hoagland	Nichol	Pirsch

Excused and not voting, 7:

Goll	Haberman	Higgins	Pappas	Schmit
Warner	Wesely			

The V. Johnson amendment lost with 17 ayes, 22 nays, 3 present and not voting, and 7 excused and not voting.

The Standing Committee amendment was adopted with 27 ayes, 3 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 13 nays, 4 present and not voting, and 7 excused and not voting.

MOTION - Withdraw LB 442

Mr. Landis moved to withdraw LB 442.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 540. Placed on Select File as amended.
E & R amendments to LB 540:
AM5183

1. Because of the amendment of section 16-321 by Laws 1983, LB 304, section 1, and of section 17-568.01 by Laws 1983, LB 304, section 3, and in accordance with the Standing Committee amendments adopted January 9, 1984, strike original sections 6 and 7 and insert the following new sections:

"Sec. 7. That section 16-321, Revised Statutes Supplement, 1983, be amended to read as follows:

16-321. (1) The city engineer shall, when requested by the mayor or city council, make estimates of the cost of labor and material which may be done or furnished by contract with the city~~,~~ and make all surveys, estimates, and calculations necessary to be made for the establishment of grades, the building of culverts, sewers, electric light system, waterworks, power plant, public heating system, bridges, curbing, and gutters, ~~and~~ the improvement of streets, and the erection and repair of buildings~~,~~ and shall perform such other duties as the council may require. When the city has appointed a board of public works, and the mayor and city council have by ordinance so authorized, such board shall have the right to utilize its own engineering staff~~,~~ and shall have the right to hire consulting engineers for the design and installation of extensions and improvements of the works under the jurisdiction of the board of public works. Whenever the mayor and city council have authorized the same, the board of public works shall have the right to purchase material and employ labor for the enlargement and improvement of the water and electric departments.

(2) No contracts for services, material, or labor for enlargement or improvement, except as provided in section 18-412.01, costing over ten thousand dollars shall be made unless it is first approved by the city council. Except as provided in section 18-412.01, before the city council shall make any contract in excess of ten thousand dollars for general improvements, such as water extensions, sewers, public heating system, bridges, or work on streets, or any other work or improvement where the cost of such improvement shall be assessed to the property, an estimate of the cost thereof shall be made by the city engineer and submitted to the council. No contract shall be entered into for any such work or improvement or for the purchase of such equipment~~,~~ for any price exceeding ten thousand dollars without advertising for bids, except that ~~unless~~ such a contract ~~shall~~ may be negotiated directly with a sheltered workshop pursuant to section 3 of this act or entered into for the benefit of the municipal electric utility. A municipal electric utility may enter into a contract for any such work or improvement or for the purchase of such equipment without advertising for bids if the: (a) Price is ten thousand dollars or less; (b) price is twenty thousand dollars or less and the municipal electric utility has gross annual revenue from retail sales in excess of one million dollars; (c) price is thirty thousand dollars or less and the municipal electric utility has gross annual revenue from retail sales in excess of five million dollars; or (d) price is forty thousand dollars or less and the municipal electric utility has gross annual revenue from retail sales in excess of ten million dollars. In advertising for bids for any such work, or for the purchase of such equipment, the council may cause the amount of such estimate to be published therewith.

(3) Such advertisement, as provided in subsection (2) of this section, shall be published at least ten days in some legal newspaper of general circulation published in the city. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to, life, health, or property, estimates of costs and advertising

for bids may be waived in the emergency ordinance provided under section 16-405 when adopted by a three-fourths vote of the council and entered of record.

(4) If, after advertising for bids as provided in subsections (2) and (3) of this section, the city council receives fewer than two bids on a contract for services, material, or labor, or if the bids received by the city council contain a price which exceeds the estimated cost of the project, the mayor and the city council shall have the authority to negotiate a contract for services, material, or labor in an attempt to complete the proposed project at a cost commensurate with the estimate given.

(5) If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the city council or board of public works, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the purchasing municipality, the city council or board of public works may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

(6) The municipal bidding procedure shall be waived when materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure of Chapter 81, article 1.

Sec. 8. That section 17-568.01, Revised Statutes Supplement, 1983, be amended to read as follows:

17-568.01. (1) The city or village engineer shall, when requested by the mayor, city council, or village board, make estimates of the cost of labor and material which may be done or furnished by contract with the city or village~~,~~ and make all surveys, estimates, and calculations necessary to be made for the establishment of grades, the building of culverts, sewers, electric light system, waterworks, power plant, public heating system, bridges, curbing, and gutters, ~~and~~ the improvement of streets, and the erection and repair of buildings~~,~~ and shall perform such other duties as the council or board may require. When a city has appointed a board of public works, and the mayor and city council have by ordinance so authorized, such board shall have the right to utilize its own engineering staff~~,~~ and shall have the right to hire consulting engineers for the design and installation of extensions and improvements of the works under the jurisdiction of the board of public works. Whenever the mayor and city council have authorized the same, the board of public works shall have the right to purchase material and employ labor for the enlargement and improvement of the water and electric departments.

(2) No contracts for services, material, or labor for enlargement or improvement, except as provided in section 18-412.01, costing over ten thousand dollars shall be made unless it is first approved by the city council or village board. Except as provided in section 18-412.01, before the city council or village board shall make any contract in excess of ten thousand dollars for general improvements, such as water extensions, sewers, public heating system, bridges, or work on streets, or any other work or improvement where the cost of such improvement shall be assessed to the property, an estimate of the cost thereof shall be made by the city or village engineer and submitted to the council or village board. No contract shall be entered into for any such work or improvement or for the purchase of such equipment~~,~~ for any price exceeding ten thousand dollars without advertising for bids, ~~unless~~ except that such a contract ~~shall~~ may be negotiated directly with a sheltered workshop pursuant to section 3 of this act or entered into for the benefit of the municipal electric utility. A municipal electric utility may enter into a contract for any such work or improvement or for the purchase of such equipment without advertising for bids if the: (a) Price is ten thousand dollars or less; (b) price is twenty thousand dollars or less and the municipal electric utility has gross annual revenue ~~revenues~~ from retail sales in excess of one million dollars; (c) price is thirty thousand dollars or less and the municipal electric utility has gross annual revenue ~~revenues~~ from retail sales in excess of five million dollars; or (d) price is forty thousand dollars or less and the municipal electric utility has gross annual revenue ~~revenues~~ from retail sales in excess of ten million dollars. In advertising for bids for any such work, or for the purchase of such equipment, the council or village board

may cause the amount of such estimate to be published therewith.

(3) Such advertisement, provided for in subsection (2) of this section, shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the city or village and, if there be no legal newspaper published in or of general circulation in such city or village, then in some newspaper of general circulation published in the county wherein such city or village is located, and if there be no legal newspaper of general circulation published in the county wherein such city or village is located then in a newspaper, designated by the county board, having a general circulation within the county where bids are required, and if no newspaper is published in the city, village, or in the county, or if no newspaper has general circulation in the county, then by posting a written or printed copy thereof in each of three public places in the city or village. In ~~; Provided, that in~~ case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to life, health, or property, or war, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by section 17-613 when adopted by a three-fourths vote of the council or board of trustees, and entered of record.

(4) If, after advertising for bids as provided in subsections (2) and (3) of this section, the city council or village board receives fewer than two bids on a contract for services, material, or labor, or if the bids received by the city council or village board contain a price which exceeds the estimated cost of the project, the mayor and the city council or village board shall have the authority to negotiate a contract for services, material, or labor in an attempt to complete the proposed project at a cost commensurate with the estimate given.

(5) If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the city council, village board, or board of public works, no cost can be estimated until the materials have been manufactured or assembled to the

specific qualifications of the purchasing municipality, the city council, village board, or board of public works may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

(6) The municipal bidding procedure shall be waived when materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure of Chapter 81, article 1.".

2. On page 1, line 5, strike "1982" and insert "1983"; in line 6 strike "terms" and insert "a term"; and in line 8 after "services" insert "as prescribed; to harmonize provisions".

3. On page 2, line 2, strike ": Sheltered" and insert ", sheltered"; and in line 8 after "or" insert "an".

4. On page 3, line 5, after "township" insert an underscored comma; in line 6 strike "in pursuance of" and insert "pursuant to"; and in lines 15 and 18 strike "The" and insert "Whether the".

5. On page 5, line 10, after "workshop" insert an underscored comma; and in line 26 after "bids" insert ". Other" and strike "; PROVIDED, other" and show as stricken.

6. On page 12, line 13, after "provisions" insert ". The" and strike "; PROVIDED, the" and show as stricken.

7. On page 13, line 11, strike "6" and insert "3", after "act" insert "and except that", and strike "; PROVIDED," and show as stricken; and in line 15 strike "said", show as stricken, and insert "the".

8. On page 15, line 12, after "fitness" insert an underscored comma; and in line 24 after "compensation" insert an underscored comma.

9. On page 16, line 4, strike "4" and insert "3"; and in line 24 strike "1982" and insert "1983".

LEGISLATIVE BILL 510. Placed on Select File as amended.
E & R amendments to LB 510:
AM5184

1. Because of the amendment of section 43-102 by Laws 1983, LB 146, section 1, and of section 43-104 by Laws 1983, LB 146, section 3, strike original

sections 2 and 3 and insert the following new sections:

"Sec. 2. That section 43-102, Revised Statutes Supplement, 1983, be amended to read as follows:

43-102. Any person or persons, desiring to adopt a minor child or an adult offspring of such person's spouse, shall file in the county court of the county in which the person or persons desiring to adopt such child reside, a petition for adoption, signed and sworn to by the person or persons desiring to adopt, together with the consent or consents required by section 43-104 or 43-104.07, and the certificates required by sections 43-104.02 to 43-104.06 or the documents required by section 43-104.07.

Sec. 3. That section 43-104, Revised Statutes Supplement, 1983, be amended to read as follows:

43-104. No adoption shall be decreed unless the petition therefor is accompanied by written consents thereto executed by (1) the minor child, if over fourteen years of age, or the adult offspring of the adopting person's spouse, (2) any district court or separate juvenile court in the State of Nebraska having jurisdiction of the custody of a minor child by virtue of divorce proceedings had in any district court or separate juvenile court in the State of Nebraska, and (3) both parents, if living; the surviving parent of a child born in lawful wedlock; or, subject to the provisions of sections 43-104.02 to 43-104.06, the mother of a child born out of wedlock; except that consent shall not be required of any parent who shall (a) have relinquished the child for adoption by a written instrument; (b) have abandoned the child for at least six months next preceding the filing of the adoption petition; (c) have been deprived of his or her parental rights to such child by the order of any court of competent jurisdiction, or prior to July 13, 1967, have been deprived of the custody of such child by an order of any juvenile court of competent jurisdiction by reason of such child having been declared a dependent or neglected child, within the provisions of sections 43-201 to 43-227; or (d) be incapable of consenting.".

2. On page 1, line 1, after "ACT" insert "relating to adoption;" and strike ", 43-102, 43-104,"; and in line 2 strike "; relating to adoption" and insert ", and sections 43-102 and 43-104, Revised Statutes

Supplement, 1983".

3. On page 4, strike beginning with the first comma in line 21 through the first comma in line 22; and in line 23 after the comma insert "and sections 43-102 and 43-104, Revised Statutes Supplement, 1983,".

LEGISLATIVE BILL 403. Placed on Select File as amended.
E & R amendment to LB 403:
AM5185

1. On page 1, line 1, after "ACT" insert "relating to criminal investigations;"; and strike beginning with the comma in line 3 through "Patrol" in line 6 and insert "; to transfer duties relating to the analysis of controlled substances; to provide duties; to create a cash fund; to harmonize provisions".

LEGISLATIVE BILL 403A. Placed on Select File.

LEGISLATIVE BILL 507. Placed on Select File as amended.
E & R amendments to LB 507:
AM5186

1. On page 1, line 1, after "ACT" insert "relating to juvenile courts;"; strike beginning with the second comma in line 2 through "judge" in line 3 and insert "; to change provisions relating to the number of judges"; in line 4 after the semicolon insert "to eliminate the authority of a presiding judge to appoint associate judges;" and in line 5 after "section" insert ", and also section 43-2,124, Revised Statutes Supplement, 1982".

2. In lieu of the Beutler amendment AM1620 adopted January 9, 1984, on page 2, in lines 4, 8, and 11, strike "two", show as stricken, and insert "three"; in lines 8, 9, and 11 through 15 strike the new matter; and in line 16 strike "two or" and show "two" as stricken.

LEGISLATIVE RESOLUTION 20CA. Placed on Select File as amended.
E & R amendments to LR 20CA:
AM5187

Because of differences in line and page numbers between the resolution as introduced and the green copy, amendments are to the green copy.

1. On page 1, line 5, strike "FIRST" and insert "SECOND".

2. In the Standing Committee amendments AM0804 adopted January 9, 1984, on page 1, line 1, strike "Strike" and insert "On page 1, strike".

LEGISLATIVE BILL 564. Placed on Select File as amended.
E & R amendment to LB 564:
AM5188

1. On page 1, strike beginning with "to" in line 1 through the second comma in line 2; and in line 3 after "Committee" insert "; to eliminate the committee and its duties; and to repeal sections 50-421 and 50-422, Revised Statutes Supplement, 1982".

LEGISLATIVE BILL 286. Placed on Select File.

LEGISLATIVE BILL 286A. Placed on Select File as amended.
E & R amendment to LB 286A.
AM5189

1. On page 1, line 3, and page 2, line 8, strike "First" and insert "Second" and strike "1983" and insert "1984".

(Signed) Rod Johnson, Chairperson

ANNOUNCEMENT

Mrs. Labedz announced the Constitutional Revision and Recreation Committee will hold an executive session Monday, January 16 at 10:30 a.m. in the North Balcony.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 846	Monday, January 23, 1984	1:30 p.m.
LB 847	Monday, January 23, 1984	1:30 p.m.
LB 895	Monday, January 23, 1984	1:30 p.m.
LB 773	Tuesday, January 24, 1984	1:30 p.m.
LB 786	Tuesday, January 24, 1984	1:30 p.m.
LB 828	Tuesday, January 24, 1984	1:30 p.m.
LB 865	Wednesday, January 25, 1984	1:30 p.m.
LB 856	Wednesday, January 25, 1984	1:30 p.m.
LB 916	Wednesday, January 25, 1984	1:30 p.m.
LB 690	Tuesday, January 31, 1984	1:30 p.m.

LB 848	Tuesday, January 31, 1984	1:30 p.m.
LB 849	Tuesday, January 31, 1984	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Education

LB 928	Monday, January 23, 1984	1:30 p.m.
LB 994	Monday, January 23, 1984	1:30 p.m.

(Signed) Tom Vickers, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 997. By Lamb, 43rd District; Scofield, 49th District.

A BILL FOR AN ACT relating to schools; to amend section 79-1302, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the distribution of certain school funds as prescribed; and to repeal the original section.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 862. No objections. So ordered.

VISITORS

Visitors to the Chamber were Sharon Hanks from Eddyville, Nebr.; Bev Williams from Broken Bow, Nebr.; Dr. James Keyser from Louisville, Nebr.; and eighty 4th graders, teachers, and sponsors from Zeaman Grade School in Lincoln.

ADJOURNMENT

At 1:10 p.m., on a motion by Mr. Rupp, the Legislature adjourned until 9:00 a.m., Monday, January 16, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 16, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 16, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Chambers, Goodrich, Haberman, R. Johnson, V. Johnson, Kahle, McDonald, Newell, R. Peterson, Rupp, Sieck, Warner, Wesely, Withem, Mesdames Higgins, Morehead, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 365, correct Standing Committee amendments to LB 475 as follows:
AM1593

1. Strike original sections 1 to 24.

2. Insert new sections as follows:

"Section 1. That section 81-199, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-199. ~~Upon~~ (1) Except for the Abstracters Board of Examiners in section 81-198, upon termination, each agency, board, or commission shall continue in existence until July 1 of the next succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of each respective agency. Upon the expiration of the one year after termination, each respective agency shall cease all activities.

(2) Upon termination of the Abstracters Board of Examiners in section 81- 198, such board shall continue in existence until July 1 of the second succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of the board. Upon expiration of the two years after termination, the board shall cease all activities.

Sec. 2. That original section 81-199, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

3. Renumber original section 25 as section 3.

The Journal for the Sixth Day was approved as corrected.

Page 396, line 30, strike "882" and insert "881".
Page 392, line 17, strike "DeCamp".
The Journal for the Seventh Day was approved as corrected.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 534. Indefinitely postponed.

(Signed) Rex Haberman, Chairperson

Banking, Commerce, and Insurance

LEGISLATIVE BILL 582. Indefinitely postponed.

(Signed) John DeCamp, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 868	Monday, January 23, 1984	1:30 p.m.
LB 902	Monday, January 23, 1984	1:30 p.m.
LB 907	Monday, January 23, 1984	1:30 p.m.
LB 912	Monday, January 23, 1984	1:30 p.m.
LB 923	Monday, January 23, 1984	1:30 p.m.
LB 954	Monday, January 23, 1984	1:30 p.m.
LB 785	Tuesday, January 24, 1984	1:30 p.m.
LB 842	Tuesday, January 24, 1984	1:30 p.m.
LB 901	Tuesday, January 24, 1984	1:30 p.m.
LB 919	Tuesday, January 24, 1984	1:30 p.m.
LB 936	Tuesday, January 24, 1984	1:30 p.m.

(Signed) John DeCamp, Chairperson

REPORT

Received proposed lease contracts from the State Building Division for the Nebraska Beef Board in Gibbon, Nebraska.

MOTION - Reconsider LB 165

Mr. Hoagland renewed his pending motion found in the Journal on page 253 to reconsider the motion to indefinitely postpone LB 165.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hoagland motion lost with 11 ayes, 22 nays, 3 present and not voting, and 13 excused and not voting.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 580. Indefinitely postponed.

(Signed) Rex Haberman, Chairperson

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 677	Wednesday, January 25, 1984	1:30 p.m.
LB 711	Wednesday, January 25, 1984	1:30 p.m.
LB 792	Wednesday, January 25, 1984	1:30 p.m.
LB 825	Wednesday, January 25, 1984	1:30 p.m.
LB 672	Thursday, January 26, 1984	1:30 p.m.
LB 647	Thursday, January 26, 1984	1:30 p.m.
LB 818	Thursday, January 26, 1984	1:30 p.m.
LB 853	Thursday, January 26, 1984	1:30 p.m.
LB 861	Thursday, January 26, 1984	1:30 p.m.
LB 897	Thursday, January 26, 1984	1:30 p.m.

(Signed) Loran Schmit, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 998. By DeCamp, 40th District.

A BILL FOR AN ACT relating to taxation of real property; to authorize a credit on real property taxes for certain educational costs as prescribed; to define terms; to provide powers and duties; and to provide penalties.

MOTION - Withdraw LB 442

Mr. Landis renewed his pending motion found in the Journal on page 401 to withdraw LB 442.

The motion prevailed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 342. Mr. DeCamp asked unanimous consent to pass over LB 342. No objections. So ordered.

LEGISLATIVE BILL 79. Title read. Considered.

Standing Committee amendments, AM0614, found in the Journal on page 860 for the Forty-First Day, First Session, were considered.

Mrs. Pirsch offered the following amendment to the Standing Committee amendments:
AM1589

(Amendment to Standing Committee Amendment)

1. On page 1, line 5, strike "ten" and insert "sixteen".

Mrs. Pirsch moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mrs. Pirsch requested a record vote on her amendment.

Voting in the affirmative, 18:

Abboud Fenger Goll Haberman Hefner
Higgins Johnson, L. Johnson, V. Kahle Kilgarin
Labedz Lamb Marsh McDonald Nichol
Peterson, H. Pirsch Remmers

Voting in the negative, 25:

Barrett	Beutler	Beyer	Carsten	Chambers
Clark	DeCamp	Eret	Hannibal	Harris
Hoagland	Jacobson	Johnson, R.	Landis	Lundy
Morehead	Pappas	Peterson, R.	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner

Present and not voting, 3:

Chronister	Goodrich	Wesely

Excused and not voting, 3:

Newell	Warner	Withem

The Pirsch amendment lost with 18 ayes, 25 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment to the Standing Committee amendments:
To amend committee amendment to LB 79: On page 1, line 5, strike "ten" and insert "thirteen".

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Beutler amendment to the Standing Committee amendments was adopted with 24 ayes, 5 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Landis offered the following amendment to the Standing Committee amendments:
Page 1, line 5, strike 13 and insert 14.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Barrett Beyer Carsten Fenger Goll
Haberman Harris Hefner Higgins Hoagland
Johnson, L. Kahle Kilgarin Labedz Lamb
Landis Marsh McDonald Morehead Nichol
Peterson, H. Pirsch Remmers Scofield Wesely

Voting in the negative, 22:

Abboud Beutler Chambers Chronister Clark
DeCamp Eret Goodrich Hannibal Jacobson
Johnson, R. Johnson, V. Lundy Newell Pappas
Peterson, R. Rupp Schmit Sieck Vickers
Von Minden Wagner

Excused and not voting, 2:

Warner Withem

The Landis amendment to the Standing Committee amendments was adopted with 25 ayes, 22 nays, and 2 excused and not voting.

The Chair declared the Call raised.

The Standing Committee amendments were adopted, as amended, with 26 ayes, 5 nays, 17 present and not voting, and 1 excused and not voting.

Mr. V. Johnson offered the following amendment to the Standing Committee amendment:
Section 3, Subsection 5. Strike the words "or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts" in section 5 and "or the clothing covering the immediate area of the actor's sexual or intimate parts" in section 5.

The V. Johnson amendment lost with 11 ayes, 22 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 27 ayes, 10 nays, 11 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 655	Monday, January 23, 1984	1:30 p.m.
LB 862	Monday, January 23, 1984	1:30 p.m.
LB 876	Monday, January 23, 1984	1:30 p.m.

LB 879	Monday, January 23, 1984	1:30 p.m.
LB 709	Tuesday, January 24, 1984	1:30 p.m.
LB 717	Tuesday, January 24, 1984	1:30 p.m.
LB 809	Tuesday, January 24, 1984	1:30 p.m.
LB 956	Tuesday, January 24, 1984	1:30 p.m.

(Signed) Calvin Carsten, Chairperson

ANNOUNCEMENT

Mr. Carsten announced that there will be an Executive Session for the Revenue Committee on Wednesday, January 25, 1984, at 1:30 p.m.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 504. Placed on General File.

(Signed) Rex Haberman, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 591. Placed on Select File.

LEGISLATIVE BILL 625. Placed on Select File as amended.
E & R amendment to LB 625:
AM5190

1. On page 3, line 13, strike the first "and" and show as stricken.

LEGISLATIVE RESOLUTION 2. Placed on Select File as amended.
E & R amendment to LR 2:
AM5195

Because of page and line number differences between the resolution as introduced and as printed, all amendments are to the green copy.

1. On page 1, line 4, strike "NEBRASKA, FIRST" and insert "NEBRASKA, SECOND".

2. In lieu of the Haberman amendment adopted January 10, 1984, on page 2, line 11, after "drug" insert "and alcohol".

LEGISLATIVE BILL 276. Placed on Select File as amended.
E & R amendments to LB 276:
AM5192

1. On page 1, line 1, after "ACT" insert "relating to domestic relations;" and strike ", 42-357,"; in line 3 strike "relating to divorce and alimony" and insert "and section 42-357, Revised Statutes Supplement, 1983"; and in line 6 strike "for a" and insert "relating to", and strike "order" and insert "orders".

2. On page 2, line 13, strike "under" and insert "by"; in line 16 after the last comma insert "or"; and in line 17 strike the comma.

3. In the Hoagland, Beutler, Marsh amendment, AM1631, adopted January 10, 1984, on page 1, line 1, strike "Insert" and insert "Strike amendment 4 and insert".

4. In the Beutler amendment adopted January 10, 1984, strike "IIa" and insert "IIA", and strike "IIIa" and insert "IIIA".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LR 3 in the Journal. No objections. So ordered.

AM1677

1. On page 2, line 10, after the period insert "The Legislature may satisfy its obligation under this section by reducing state aid to local subdivisions by an amount equivalent to the increased expenditure of funds by the affected political subdivisions and appropriating such amount to the political subdivisions for expenditures resulting from the new or expanded program or service.".

ATTORNEY GENERAL'S OPINION

Opinion No. 176
January 12, 1984

Dear Senator Sieck:

You ask if the Department of Motor Vehicles or the Governor may require the issuance of temporary stickers or decals in order to make the expired license plates valid, until all license plates to be issued in 1984 have been produced? It is our opinion that the answer to this question is no. There are currently a sufficient number of new license plates in every county, so that all Nebraska motorists may receive valid license plates. In addition, the statutes do not provide that individual motorists shall be entitled to retain their former license numbers.

Due to the extensive time period required to produce new license plates, many Nebraska motorists will be unable to retain their former license plate numbers and will be forced to accept whatever number is available. However, if all the license plates to be issued in 1984 were completed, then every Nebraska motorist could retain their former license number. For this reason it has been suggested that the Department of Motor Vehicles or the Governor should require the issuance of temporary stickers or decals in order to make the expired license plates valid, until all of the new license plates have been completed.

In order to provide the Department of Motor Vehicles or the Governor with such authority, the Legislature would be required to enact a statute granting this power. It is a well established principle of law that "An administrative agency is limited in its rule-making authority to the powers granted to the agency by the statute which they are to administer." Bond v. Nebraska Liquor Control Commission, 210 Neb. 663, 316 N.W.2d 600 (1982).

Furthermore, an administrative agency has no power or authority other than that specifially conferred by statute or by construction necessary to accomplish the plain purpose of the act. Transport Workers of America v. Transit Authority of the City of Omaha, 205 Neb. 26, 286 N.W.2d 102 (1979). It is clear from the plain language of Neb.Reb.Stat. §60-311 (Supp. 1983) that the purpose of the legislation was to provide every person license plate numbers for their motor vehicles. The statutes do not provide that every person will be entitled to retain their former numbers.

Since, the plain purpose of the statutes are currently being satisfied, the Legislature would have to provide statutory authority for the Department of Motor Vehicles or the Governor to issue temporary stickers or decals.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Henry M. Grether, III
Assistant Attorney General

HMG:laj
cc: Patrick J. O'Donnell
Clerk of the Legislature

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 999. By Marsh, 29th District.

A BILL FOR AN ACT relating to education; to require that certain eye protective devices be worn as prescribed; and to provide duties for the Commissioner of Education.

LEGISLATIVE BILL 1000. By Wagner, 41st District.

A BILL FOR AN ACT relating to water rights; to amend section 46-229.02, Revised Statutes Supplement, 1983; to change provisions relating to notice of forfeiture and annulment; and to repeal the original section.

LEGISLATIVE BILL 1001. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Abboud, 12th District; Carsten, 2nd District; Rupp, 22nd District; Wesely, 26th District.

A BILL FOR AN ACT relating to permits to hunt; to amend section 37-215, Revised Statutes Supplement, 1982; to provide for establishment of special depredation hunting seasons for deer; to provide procedures; and to repeal the original section.

LEGISLATIVE BILL 1002. By Landis, 46th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Elderly and Disabled Persons and Family Support Act.

LEGISLATIVE BILL 1003. By Haberman, 44th District; Pappas, 42nd District; Vickers, 38th District.

A BILL FOR AN ACT relating to flood protection; to amend section 77-2715, Revised Statutes Supplement, 1983; to create a fund and to provide for its use; to provide an income tax credit for the construction of flood prevention structures; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1004. By Abboud, 12th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2786, Reissue Revised Statutes of Nebraska, 1943; to adopt the Capital Companies Tax Credit Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1005. By R. Johnson, 34th District; Kahle, 37th District; Sieck, 24th District; V. Johnson, 8th District; Rupp, 22nd District; Hefner, 19th District; Morehead, 30th District; Wesely, 26th District; Carsten, 2nd District; McDonald, 31st District; Scofield, 49th District.

A BILL FOR AN ACT relating to agriculture; to adopt the Beginning Farmer Opportunity Act.

LEGISLATIVE BILL 1006. By Hannibal, 4th District; Withem, 14th District; McDonald, 31st District; Barrett, 39th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-505.01, Revised Statutes Supplement, 1983; to change provisions relating to fees; and to repeal the original section.

LEGISLATIVE BILL 1007. By Remmers, 1st District; Chronister, 18th District.

A BILL FOR AN ACT relating to public grain warehouses; to amend sections 88-503 and 88-504, Revised Statutes Supplement, 1983; to change provisions relating to financial responsibility; and to repeal the original sections.

SELECT FILE

LEGISLATIVE BILL 49. E & R amendment, AM5168, found in the Journal on page 306 for the Fourth Day was adopted.

Mr. Newell requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 3 nays, 19 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 492. E & R amendments, AM5169, found in the Journal on page 306 for the Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 368. E & R amendments, AM5171, found in the Journal on page 326 for the Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 189. E & R amendments, AM5172, found in the

Journal on page 326 for the Fifth Day were adopted.

Mr. V. Johnson renewed his pending amendment, AM1635, found in the Journal on page 392.

The V. Johnson amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 9. E & R amendment, AM5173, found in the Journal on page 327 for the Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 216. Mr. Wesely requested to pass over.

LEGISLATIVE BILL 373. E & R amendments, AM5176, found in the Journal on page 334 for the Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 377. E & R amendment, AM5177, found in the Journal on page 336 for the Fifth Day was adopted.

Mr. Chambers offered the following amendment:
Amend LB 377 (COMMITTEE AMENDMENT) Strike lines 4-10, beginning with "The" and ending with "appropriate".

Mr. Chambers moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Carsten	Chambers	Chronister	DeCamp	Eret
Johnson, R.	Johnson, V.	Kilgarin	Landis	Marsh
McDonald	Morehead	Newell	Nichol	Pappas
Schmit	Sieck	Vickers	Wagner	Wesely
Withem				

Voting in the negative, 23:

Abboud	Barrett	Beutler	Beyer	Fenger
Goll	Goodrich	Hannibal	Harris	Hefner

Hoagland	Jacobson	Johnson, L.	Kahle	Labedz
Lamb	Lundy	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Von Minden		

Present and not voting, 2:

Higgins	Scofield

Absent and not voting, 2:

Clark	Haberman

Excused and not voting, 1:

Warner

The Chambers amendment lost with 21 ayes, 23 nays, 2 present and not voting, 2 absent and not voting, and 1 excused and not voting.

Mr. Chambers requested to pass over LB 377.

Mr. Beutler objected.

Mr. Chambers moved to pass over LB 377.

The Chair declared the Call raised.

Messrs. Haberman and Clark asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers asked unanimous consent to withdraw his pending motion to pass over LB 377. No objections. So ordered.

Failed to advance to E & R for Engrossment with 15 ayes, 16 nays, 15 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 752	Monday, January 23, 1984	12:00 noon
LB 843	Monday, January 23, 1984	12:00 noon
LB 653	Wednesday, January 25, 1984	8:00 p.m.
LB 751	Wednesday, January 25, 1984	8:00 p.m.

LB 893	Wednesday, February 1, 1984	12:00 noon
LB 750	Thursday, January 26, 1984	12:00 noon
LB 855	Thursday, January 26, 1984	12:00 noon

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 9 in the Journal. No objections. So ordered.

AM0618

1. Insert the following new sections:

"Section 1. The Legislature finds that there is a constant need to employ the most qualified teachers possible in all schools and that each school district shall do everything possible to instill in its teachers a desire to produce the best education possible for Nebraska students. The Legislature further finds that the awarding of salaries and salary increases based on a merit system may be a necessary step towards producing quality teachers and quality education.

Sec. 2. (1) At least thirty days prior to the deadline for returning contracts of employment, any teacher or administrator, as defined in section 79-101, may submit a written statement to the board of education with whom he or she is employed requesting that such teacher or administrator be exempt for the succeeding school year from the tenure provisions of such school district. Upon receiving such statement, the school board shall send a copy of such statement to the State Department of Education.

(2) Any teacher or administrator, as defined in section 79-101, submitting a statement pursuant to subsection (1) of this section shall not be subject to any fixed annual compensation or salary schedule adopted by the school district with whom he or she is employed, but shall be able to individually negotiate his or her salary.".

Messrs. Newell and V. Johnson asked unanimous consent to print the following amendment to LR 3 in the Journal. No objections. So ordered.

AM1676

1. Strike the Standing Committee Amendments adopted on March 14, 1983.

2. On page 2, strike lines 1 through 10 and insert "Legislature after January 1, 1985, removes property from the tax base of any political subdivision or reduces the taxing allowance of any political subdivision, the Legislature shall appropriate funds to the affected political subdivision in an amount equivalent to the revenue lost to such political subdivision as a result of such removal or reduction each and every year during which the removal or reduction remains in effect."; and strike beginning with "certain" in line 18 through "by" in line 19 and insert "acts which reduce certain taxing powers of".

Mr. Wesely asked unanimous consent to print the following amendment to LB 216 in the Journal. No objections. So ordered.

AM1639

1. In the Wesely amendment, AM0994, adopted on January 6, 1984, on page 2, line 25, strike "four" and insert "five"; and strike amendment 3.

2. Insert the following new sections:

"Sec. 4. In the event of the death before his or her retirement date of any employee who is a member of the retirement system established in Chapter 23, article 23, a death benefit shall be paid to the member's beneficiary as provided in the group contract. The death benefit shall be equal to the total of the employee account and the employer account.

Sec. 5. All annuities or benefits which any person shall be entitled to receive under the provisions of Chapter 23, article 23, shall not be subject to garnishment, attachment, or levy, and the same shall at all times be exempt.".

3. Renumber the remaining section accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 218 in the Journal. No objections. So ordered.

AM1638

1. In the Standing Committee amendments, on page 1, line 1, strike the second "1".

2. In the Wesely amendment, AM1616, adopted on January 9, 1984, on page 1, line 2, strike the first

and second commas.

3. In the E and R amendment, AM5180, found on page 355 of the 1984 Journal, on page 1, strike beginning with "in" in line 2 through the semicolon in line 3; and in line 4 strike " '23-2307,' and ".

4. In the bill, on page 1, line 4, strike the first comma and insert "and".

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 17CA. Placed on General File.

LEGISLATIVE RESOLUTION 15CA. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1008. By Scofield, 49th District; Carsten 2nd District.

A BILL FOR AN ACT relating to liquors; to amend section 53-160, Revised Statutes Supplement, 1982, and sections 53-103, 53-124, and 53-164.01, Revised Statutes Supplement, 1983; to define a term; to provide intent; to provide licensing requirements for farm wineries; to provide duties; to provide fees; to provide a tax; to create a fund; and to repeal the original sections.

LEGISLATIVE BILL 1009. By Education Committee: Vickers, 38th District, Chairperson; Eret, 32nd District; Goll, 16th District; Harris, 27th District; Hoagland, 6th District; Lamb, 43rd District; Newell, 13th District.

A BILL FOR AN ACT relating to schools; to amend section 79-801, Revised Statutes Supplement, 1983; to change provisions relating to the annexation by cities or villages of certain platted territory; to provide for arbitration; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 1010. By Landis, 46th District; Lundy, 36th District.

A BILL FOR AN ACT relating to initiative and referendum; to amend sections 18-2506, 18-2512 to 18-2517, 18-2520 to 18-2522, 18-2524 to

18-2526, 18-2528 to 18-2530, and 18-2535, Revised Statutes Supplement 1982; to define and redefine terms; to change petition and ballot provisions; to provide for declaratory judgements; to provide additional measures which may be submitted to voters; to change notice provisions; to provide for certain special elections; to provide duties; to allow different effective dates for certain initiative measures; to provide exceptions to referendums or limited referendums; to change hearing provisions; to change provisions relating to failure to act on referendum petitions; to change a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1011. By Beutler, 28th District; Wesely, 26th District; Harris, 27th District.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-108, 8-218, 8-346, 8-401.02, 21-1330, and 21-1777, Reissue Revised Statutes of Nebraska, 1943, and sections 8-140 and 8-409.01, Revised Statutes Supplement, 1982; to provide duties as prescribed; to prohibit certain acts; to provide penalties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1012. By V. Johnson, 8th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to elections; to define terms; to create a fund; to provide for the source and use of such fund; to provide for public campaign financing for certain candidates as prescribed; to provide procedures; to provide restrictions and limitations as prescribed; to provide the Nebraska Political Accountability and Disclosure Commission with certain powers and duties; and to provide an operative date.

LEGISLATIVE BILL 1013. By Landis, 46th District; Wesely, 26th District.

A BILL FOR AN ACT relating to the disclosure of information concerning state government; to amend sections 81-8,245 and 81-1318, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide for the submission to and investigation by the Public Counsel of allegations of wrongdoing; to provide duties; to provide procedures; to prohibit reprisals; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 245CA.

Introduced by Hefner, 19th District; H. Peterson, 35th District; Von Minden, 17th District; Carsten, 2nd District.

A Resolution to propose an amendment to Article VIII of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to add a new section to Article VIII of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Section 1C. (1) The Legislature shall designate by statute the fiscal year for the State of Nebraska.

(2) For the purposes of this section, unless the context otherwise requires, the definitions found in subsections (3) to (6) of this section shall apply.

(3) Allowed increment shall mean the percentage increase or decrease, as the case may be, of the base annual per capita personal income as compared to the prior annual per capita personal income.

(4) Base annual per capita personal income shall mean the annual per capita personal income for the calendar year beginning twenty-one months before the fiscal year begins and ending nine months before the fiscal year begins.

(5) Prior annual per capita personal income shall mean the annual per capita personal income for the calendar year beginning thirty-three months before the fiscal year begins and ending twenty-one months before the fiscal year begins.

(6) Annual per capita personal income shall mean the figure which represents the annual per capita personal income for the State of Nebraska as provided in official records or reports of the United States Department of Commerce, or an equivalent federal agency, for the calendar years defined in subsections (4) and (5) of this section.

(7) Revenue collected from any source by the State of Nebraska, whether by taxes, fees, franchises, or any other method, shall be limited to an aggregate amount as provided in subsections (8) and (9) of this section. For purposes of this section, revenue shall not include any funds received from the federal government.

(8) The aggregate revenue to be collected for any fiscal year shall not increase over the amount of all revenue collected for the immediately prior fiscal year by more than five per cent or by the allowed increment, whichever is less. If the allowed increment is negative, the aggregate revenue to be collected shall be decreased by at least the amount of the negative allowed increment for that fiscal year. The Legislature may provide that the increase allowed or decrease mandated by this

subsection be at least one per cent.

(9) When an act of the Legislature requires that any program or service be funded by the state which was previously required by statute to be funded by a political subdivision of the state, the Legislature may authorize the collection, for the first fiscal year for which the legislative act is effective, of aggregate revenue in excess of that allowed by subsection (8) of this section by an amount equal to no more than the increased expenditure of funds specifically necessary for such program or service.

(10) The limits on aggregate revenue provided in subsections (7) to (9) of this section may be exceeded for a period of one fiscal year only upon a declaration of an emergency made by a four-fifths vote of the Legislature, following a public hearing, and approved by the Governor.

(11) The Legislature shall enact legislation to carry out the provisions of this section.

(12) The limitations imposed by this section shall apply to the first fiscal year commencing after the effective date of this section.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to limit the amount of revenue collected by the State of Nebraska.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Mabel Stansbury and Fran Kanousky of Lincoln; thirty 2nd grade students and teachers from Elliott School in Lincoln; Mr. & Mrs. Gene Remmers, Terri and Chandra of Auburn.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Withem, the Legislature adjourned until 9:00 a.m., Tuesday, January 17, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 17, 1984

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 17, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Reverend Gale Baldridge of the First Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Clark and Mrs. Higgins who were excused; and Messrs. Beutler, Beyer, Chambers, Goodrich, Hoagland, H. Peterson, Schmit, Miss Kilgarin, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 477. Placed on Select File as amended.
E & R amendments to LB 477:
AM5193

1. In the Warner amendment found on page 342 of the Journal, which was adopted January 10, 1984, in line 1 strike "and renumber remaining sections"; in line 2 before "Notwithstanding" insert "Sec. 2."; in line 3 strike "Sections" and insert "section"; and underscore beginning with "Notwithstanding" in line 2 through the period in line 4.

2. On page 1, line 1, after "ACT" insert "relating to professional landscape architects;" and

strike "81-198,"; in line 4, strike ", relating to" and insert "; to reestablish"; in line 5 after the second semicolon insert "to change the membership of the board;" in line 6 after "to" insert "registration of"; and in line 9 after the semicolon insert "to provide powers and duties;".

3. On page 8, line 8, after "of" insert "professional"; strike beginning with "as" in line 8 through "81-8,184" in line 9; and in line 21 strike "board" and insert "State Board of Landscape Architects".

4. On page 9, line 2, after "outstanding" insert "required"; in lines 3 and 8 strike "board" and insert "State Board of Landscape Architects"; in line 18 after the second comma insert "gross"; and in line 23 strike "81-198,".

LEGISLATIVE BILL 477A. Placed on Select File as amended.
E & R amendment to LB 477A:
AM5194

1. On page 1, line 3, and page 2, line 9, strike "First" and insert "Second" and strike "1983" and insert "1984".

LEGISLATIVE BILL 478. Placed on Select File as amended.
E & R amendments to LB 478:
AM5191

1. In the Warner amendment found starting on page 345 of the Journal, which was adopted January 10, 1984, in line 1 strike "and renumber remaining sections"; in line 2 before "Notwithstanding" insert "Section 1."; in line 3 strike "Sections" and insert "sections"; and underscore beginning with "Notwithstanding" in line 2 through the period in line 4.

2. On page 1, after "ACT" insert "relating to land surveying;" and strike "81-198,"; in line 2 strike "81-8,110.08,"; in line 3 strike the last comma and insert a semicolon; in line 4 strike "relating to" and insert "to reestablish"; in line 5 strike "land"; in line 6 strike "surveyors" and insert "membership of the board"; and in line 7 after the semicolon insert "to provide powers;".

3. On page 3, line 3, strike "his or her".

4. On page 5, line 3, after "drafter" insert an underscored comma.

5. On page 6, in lines 2 and 11, strike “board” and insert “State Board of Examiners for Land Surveyors”; in line 8 after “shown” insert an underscored comma; in line 9, after “outstanding” insert “required”; and in line 16 strike “81-198,”.

LEGISLATIVE BILL 478A. Placed on Select File as amended.
E & R amendments to LB 478A:
AM5196

1. On page 1, line 3, and page 2, line 9, strike “First” and insert “Second” and strike “1983” and insert “1984”.

2. On page 2, in lines 3 and 5, because of section 81-8,110.07, strike “Examiners’ ” and insert “Examiner’s”; and in line 6 after “the” insert “State”.

LEGISLATIVE BILL 623. Placed on Select File as amended.
E & R amendments to LB 623:
AM5197

Because of page and line number differences between the bill as introduced and the green copy, all amendments are to the green copy.

1. On page 1, line 1, after “ACT” insert “relating to elections;”; strike beginning with the comma in line 6 through “prescribed” in line 8; and in line 8 strike “a provision” and insert “provisions”.

2. On page 2, line 3, after the semicolon insert “to change provisions relating to recounts;”.

3. On page 4, line 8, strike beginning with “The” through “commissioner” and show as stricken; and in line 10 strike “shall appoint” and insert “Appoint”.

4. On page 6, line 11, strike the comma and show as stricken.

5. On page 7, line 23, strike “generally-recognized”, show as stricken, and insert “generally recognized”.

6. On page 8, line 23, strike “and”, show as stricken, and insert “or”.

7. On page 9, line 26, strike the comma and show as stricken.

8. On page 18, line 6, after “to” insert “subsection (3) of”; and in line 7 strike “(3)” and show as stricken.

9. On page 26, line 2, strike “or any” and show as stricken.

10. On page 29, line 18, strike “in” and

insert “for”.

11. In the Standing Committee amendments, AM0927, adopted January 10, 1984, on page 2, line 2, strike “and” and before the period insert “, after the reinstated ‘fifty’ insert ‘. If’, and strike ‘if’ and show as stricken”; and in line 15 strike “courthouse” and insert “courthouse”.

12. In the Landis amendment, AM1626, adopted January 10, 1984, on page 1, line 4, strike “and” and insert “or”; and in line 5 after “staff” insert an underscored comma.

LEGISLATIVE BILL 38. Placed on Select File as amended.
E & R amendment to LB 38:
AM5198

1. On page 1, line 1, after “ACT” insert “relating to the Nebraska Veterans’ Aid Fund;”; strike beginning with the second comma in line 2 through “Fund” in line 3; in line 4 after the semicolon insert “and”; and in line 5 strike “; and to declare an emergency”.

LEGISLATIVE BILL 183. Placed on Select File.

LEGISLATIVE BILL 290. Placed on Select File as amended.
E & R amendments to LB 290:
AM5199

1. On page 2, line 10, strike “decision making”, show as stricken, and insert “decisionmaking”.

2. On page 3, line 22; page 4, line 4; and page 5, line 6, strike the last underscored comma.

LEGISLATIVE BILL 394. Placed on Select File as amended.
E & R amendments to LB 394:
AM5200

1. On page 1, line 1, after “sections” insert “29-2415, 47-102 to 47-104, 47-106, 47-107, 47-111, 47-112, 47-115, 47-306, 47-402, and 47-407, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1703,”; in line 3 after “33-117,” insert “47-114,”; strike beginning with “change” in line 4 through “duties” in line 8 and insert “authorize certain counties to have a county board of corrections; to provide powers and duties; to change certain fees; to harmonize provisions; to eliminate provisions relating to the boarding of certain prisoners”; in line 9 strike “23-1703,”; and in line 10 strike the first comma.

2. In the Standing Committee amendments, AM1119, adopted January 10, 1984:

a. On page 1, line 9, strike "23-2810" and insert "23-2806";

b. On page 3, line 6, strike "and" and insert ". Any such county board of corrections"; in line 15 strike "The", show as stricken, and insert "A", and strike "who" and insert "which"; in line 24 strike "The" and insert "A"; and in line 26 strike the underscored comma;

c. On page 4, line 3, strike "must" and insert "shall"; and in line 11 strike "23-2808", show as stricken, and insert "23-2806";

d. On page 5, line 15, strike the underscored comma;

e. On page 11, line 1, strike the new matter and reinstate the old matter, and after the reinstated "~~and~~" insert "the"; in line 2 strike the underscored comma; in line 6 strike "is"; and in line 7 strike "hereby required to" and insert "shall"; and

f. On page 15, line 5, strike "23-2810" and insert "23-2806".

(Signed) Rod Johnson, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 177
January 10, 1984

Dear Senator Wesely:

You pose three questions concerning the confidentiality of tests required to determine the alcohol and drug levels in the deceased (or surviving) driver or pedestrian in the event of a fatal accident.

First, you ask if the provisions in Neb.Rev.Stat. §§39-6,104.07 and 39-6,104.08 (Reissue 1978), which state, "Such information shall be used only for statistical purposes which do not reveal the identity of the deceased" (or". . . surviving drivers or pedestrians") apply to state, county and local officials, who have access to or are required to report such information, as well as to the Department of Motor Vehicles? It is our opinion that the answer to this question is yes. The provisions apply to state, county and local officials, as well as to the Department of Motor Vehicles.

The Nebraska statutes provide that "the coroner or other official performing the duties of the coroner, shall examine the body and cause such tests to be made as are necessary to determine the presence and percentage concentration of alcohol or drugs therein." The statutes further provide that "such information shall be included in each report submitted. . . to the Department of Motor Vehicles. Such information shall be used only for statistical purposes which do not reveal the identity of the deceased." Neb.Rev.Stat. §39-6,104.07 (Reissue 1978). Neb.Rev.Stat. §39-6,104.08 (Reissue 1978) goes on to limit the use of information to statistical purposes for surviving drivers or surviving pedestrians involved in fatal accidents.This information is also restricted and may only be used for statistical purposes which do not reveal the identity of the surviving drivers or surviving pedestrians.

The above statutory language madates that the information required to be submitted to the Department of Motor Vehicles is to be used for statistical purposes only. The statutes do not distinguish between the use of that information by the Department of Motor Vehicles and other state or local officials. As such, the use of this information is limited to the statistical purposes set out by the statutes.

Should local or state officials desire release information concerning the presence and percentage concentration of alcohol or drugs related to fatal motor vehicle accidents, those officials must request a separate test be conducted.

The court in Blackledge v. Martin K. Eby Construction Co., Inc., 542 F.2d 474 (1976), held these statutes:

> . . . merely provide that when a motor vehicle accident results in death, the coroner shall submit a report to the Department of Motor Vehicles; that when the driver is killed, the coroner shall examine the body for the presence of alcohol or drugs and include his findings thereon in his report; and that no part of the report may be used in ensuing court proceedings.

By combining the reasoning set forth in Blackledge, with the clear language of the statutes, we are able to arrive at the conclusion that the statutory restrictions apply to state, county and local officials, as well as to the Department of Motor Vehicles.

Furthermore, the legislative history indicates that the statistical information, whether obtained or analyzed by the coroner,physician or the Department of Health, was intended to be used soley for statistical purposes. The legislature intended to provide a method whereby the information submitted in the report to the Department of Motor Vehicles would be accurate, while at the same time relieving the coroner, physician or individuals working for the Department of Health from any fear of being drawn into subsequent litigation. LB 66 (1974)

Committee on Agriculture and Environment, Page 9.

It has also been the policy of this office to quash any subpoenas issued upon the Department of Health or employees thereof, seeking to obtain testimony or evidence regarding the statistical information protected by the provisions of Neb.Rev.Stat. §§39-6,104.07 and 39-6,104.08 (Reissue 1978). The provisions of these statutes apply to the other state, county and local officials used to compile the information submitted in the report to the Department of Motor Vehicles.

Secondly, you ask if there are any legal or constitutional problems in eliminating the provisions restricting the use of such information to statistical purposes from the statutes. As previously indicated in the foregoing paragraphs, the elimination of such restrictions could have wide spread legal ramifications. The physicians, coroners and employees of the Department of Health will become subject to extensive civil litigation regarding wrongful death and accident cases. Their testimony regarding the presence of alcohol or drugs in fatal accidents will be sought after by attorneys desiring to use this evidence as part of their cases.

Thirdly, you ask if the removal of the restrictions on the use of drug and alcohol information presently required under Neb.Rev.Sat. §§39-6,104.07 and 39-6,104.08 (Reissue 1978) will make this information subject to Nebraska's Public Records law? It is our opinion that the answer to this question is yes. This information will not be considered to be protected by the Public Record Act as defined in Neb.Rev.Stat. §84-712 (Reissue 1981). Thus, the Department of Motor Vehicles, would be required to release this information upon request. In addition, employees from the Department of Health involved in the determination of the presence of alcohol or drugs, as well as other state, local and county officials, will be subject to being called as witnesses in a potentially burdensome number of court cases.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Henry M. Grether, III
Assistant Attorney General

HMG:laj
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 866. No objections. So ordered.

Mr. Carsten asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

Mr. Von Minden asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 243. Read. Considered.

MR. LANDIS PRESIDING

Mr. Warner moved to refer LR 243 to the Appropriations Committee.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 10 nays, and 25 not voting.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman requested a roll call vote on the Warner motion.

Voting in the affirmative, 34:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
Eret
Fenger
Goll
Goodrich
Harris
Hefner
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Nichol
Peterson, H.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Wagner
Warner
Wesely

Voting in the negative, 10:

DeCamp
Haberman
Hannibal
Johnson, V.
Labedz
Newell
Pappas
Schmit
Von Minden
Withem

Present and not voting, 1:

Peterson, R.

Excused and not voting, 4:

Chambers	Clark	Higgins	Hoagland

The Warner motion prevailed with 34 ayes, 10 nays, 1 present and not voting, and 4 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER NICHOL PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1014. By Goodrich, 20th District.

A BILL FOR AN ACT relating to a miscellaneous claim; to appropriate certain funds as prescribed; and to provide duties.

LEGISLATIVE BILL 1015. By Warner, 25th District.

A BILL FOR AN ACT relating to the Board of Regents; to amend sections 85-125 and 85-192, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the University Cash Fund and the University of Nebraska at Omaha Cash Fund; and to repeal the original sections.

LEGISLATIVE BILL 1016. By Barrett, 39th District.

A BILL FOR AN ACT relating to trade names; to amend section 87-211, Reissue Revised Statutes of Nebraska, 1943; to increase renewal fees for registered trade names; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1017. By Beutler, 28th District.

A BILL FOR AN ACT relating to computers; to define terms; and to provide a penalty.

LEGISLATIVE BILL 1018. By Beutler, 28th District.

A BILL FOR AN ACT relating to nonprofit corporations; to amend section 21-1917, Reissue Revised Statutes of Nebraska, 1943; to provide a method for removing directors of certain nonprofit corporations; and to repeal the original section.

LEGISLATIVE BILL 1019. By Wesely, 26th District; Landis, 46th District.

A BILL FOR AN ACT relating to retirement; to amend sections 15-1002 and 15-1013.01, Reissue Revised Statutes of Nebraska, 1943, and sections 15-1001, 15-1001.01, 15-1005 to 15-1007.02, 15-1008, and 15-1013.02, Revised Statutes Supplement, 1982; to change provisions relating to retirement for firefighters and police officers of primary class cities; to provide alternative contribution and benefit rates; to repeal the original sections, and also section 15-1010, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 1020. By Wesely, 26th District; V. Johnson, 8th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to the Department of Administrative Services; to require the purchase of recycled paper as prescribed; and to define a term.

LEGISLATIVE BILL 1021. By Newell, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1239 and 77-1240, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change provisions relating to the valuation of certain motor vehicles; to provide an affirmation statement as prescribed; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1022. By Newell, 13th District.

A BILL FOR AN ACT relating to cemeteries; to amend sections 12-201, 12-301, 12-501, 12-506, 12-701, 12-803, 12-909 to 12-913, 12-917, 12-921, 12-1001, 14-103, 15-708, and 16-241, Reissue Revised Statutes of Nebraska, 1943, and section 19-1302, Revised Statutes Supplement, 1982; to eliminate cemetery boards and municipal operation and regulation of cemeteries; to transfer lands; to change provisions relating to endowment and use of public funds; to change provisions relating to eminent domain; to change provisions relating to abandoned cemetery land; to change the organization of cemetery districts; to provide duties; to redefine terms; to provide an operative date; and to repeal the original sections, and also sections 12-401, 12-403, 12-515, 12-1002 to 12-1004, 15-239 to 15-242, 16-242 to 16-244, 17-926, 17-933 to 17-937, 17-939 to 17-942, and 17-944 to 17-947, Reissue Revised Statutes of Nebraska, 1943, and sections 12-402 and 17-938, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 1023. By Withem, 14th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-739, 31-740, and 31-744, Revised Statutes Supplement, 1982; to allow sanitary and improvement districts to contract for additional governmental services as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1024. By Sieck, 24th District.

A BILL FOR AN ACT relating to township organization; to amend section 23-252, Reissue Revised Statutes of Nebraska, 1943; to require townships to file budget statements with the Auditor of Public Acccounts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1025. By Sieck, 24th District.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to require governmental subdivisions to submit certain reports to the Auditor of Public Accounts.

LEGISLATIVE BILL 1026. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-157 and 8-903, Revised Statutes Supplement, 1983; to provide exceptions to certain limitations for entities acquiring or merging with failing institutions; and to repeal the original sections.

LEGISLATIVE BILL 1027. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1507, Revised Statutes Supplement, 1983; to define terms; to permit acquisition of a failing institution by certain domestic or out-of-state financial institutions; and to repeal the original section.

LEGISLATIVE BILL 1028. By DeCamp, 40th District.

A BILL FOR AN ACT relating to financial institutions; to adopt the Nebraska Bank Corporation Act; and to provide for an appropriation.

LEGISLATIVE BILL 1029. By Beutler, 28th District.

A BILL FOR AN ACT relating to the care and education of handicapped children; to amend sections 43-627.01, 43-661, and 83-376, Reissue Revised Statutes of Nebraska, 1943, and sections 43-626, 43-662, and 43-662.01, Revised Statutes Supplement, 1982; to change provisions relating to certain special education placements; to change special education appeal procedures; to provide jurisdiction as prescribed; to change provisions relating to costs; and to repeal the original sections.

LEGISLATIVE BILL 1030. By Newell, 13th District.

A BILL FOR AN ACT relating to school funds; to amend section 79-1340, Reissue Revised Statutes of Nebraska, 1943; to appropriate additional funds; to change provisions relating to foundation and incentive aid; and to repeal the original section.

LEGISLATIVE BILL 1031. By Schmit, 23rd District; Warner, 25th District.

A BILL FOR AN ACT relating to interest; to amend section 45-101.03, Revised Statutes Supplement, 1982; to establish a general interest rate based on the treasury bill rate; and to repeal the original section.

LEGISLATIVE BILL 1032. By Schmit, 23rd District.

A BILL FOR AN ACT relating to oil and gas development; to amend section 57-910.03, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to approval of proposed operating plans as prescribed; to eliminate provisions relating to amendment of orders; and to repeal the original section, and also section 57-910.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1033. By Schmit, 23rd District; Wagner, 41st District.

A BILL FOR AN ACT relating to water rights; to amend section 46-229.04, Revised Statutes Supplement, 1983; to provide an additional consideration in cancellation and annulment of water rights; and to repeal the original section.

LEGISLATIVE BILL 1034. By Pappas, 42nd District; Vickers, 38th District; Morehead, 30th District; R. Johnson, 34th District; Eret, 32nd District; Wagner, 41st District; Haberman, 44th District.

A BILL FOR AN ACT to appropriate additional funds for University of Nebraska Program 715; to provide Legislative intent; and to declare an emergency.

LEGISLATIVE BILL 1035. By Abboud, 12th District.

A BILL FOR AN ACT relating to the Board of Regents; to amend section 85-180, Reissue Revised Statutes of Nebraska, 1943; to provide duties; to require certain services or payments from graduates of the College of Veterinary Medicine and Surgery of the University of Nebraska as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1036. By Abboud, 12th District.

A BILL FOR AN ACT relating to the Board of Regents; to provide duties; and to require certain services or payments from graduates of the College of Medicine of the University of Nebraska as prescribed.

LEGISLATIVE BILL 1037. By Abboud, 12th District.

A BILL FOR AN ACT relating to taxation; to provide a credit for certain businesses; to provide duties for the Commissioner of Labor; and to define a term.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. H. Peterson asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 278. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 527. Title read. Considered.

Standing Committee amendment, AM0717, found in the Journal on page 938 for the Forty-Third Day, First Session, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 481. Title read. Considered.

Standing Committee amendments, AM0738, found in the Journal on page 972 for the Forty-Fifth Day, First Session, were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments.
Amend Committee amendments so as to retain Section 4 of LB 481.

The Warner amendment to the Standing Committee amendments was adopted with 19 ayes, 0 nays, 26 present and not voting, and 4 excused and not voting.

The Standing Committee amendments were adopted, as amended with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 481A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 496. Title read. Considered.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Beutler
Carsten
Eret
Harris
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
McDonald
Newell
Pirsch
Rupp
Scofield
Sieck
Vickers
Wesely

Voting in the negative, 26:

Abboud
Barrett
Beyer
Chronister
Fenger
Goll
Goodrich
Haberman
Hannibal
Hefner
Jacobson
Johnson, L.
Johnson, R.
Kahle
Lamb
Lundy
Nichol
Pappas
Peterson, H.
Peterson, R.
Remmers
Schmit
Von Minden
Wagner
Warner
Withem

Present and not voting, 1:

Morehead

Excused and not voting, 4:

Chambers
Clark
DeCamp
Higgins

Failed to advance to E & R for Review with 18 ayes, 26 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

MOTION — Withdraw LB 481A

Mr. Warner moved to withdraw LB 481A.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 218 in the Journal. No objections. So ordered.

AM1691

1. On page 2, line 8; page 8, line 22; page 17, line 21; and page 19, line 9, strike "July 1, 1984" and insert "January 1, 1985".

Mr. Warner asked unanimous consent to print the following amendment to LB 130A in the Journal. No objections. So ordered.

On page 2, line 4, strike "1983" and insert "1984"; in line 5, strike "1984" and insert "1985"; in line 8, strike "1984" and insert "1985" and strike "1985" and insert "1986"; in line 15, strike "1983" and insert "1984" and strike "1984" and insert "1985"; in line 17, strike "1984" and insert "1985" and strike "1985" and insert "1986".

On page 2, in line 18, strike "three" and insert "forty"; in line 19, insert "six hundred twenty-five" following "thousand"; in line 20, strike "1983" and insert "1984"; strike "1984" and insert "1985", and strike "three thousand five" and insert "forty-two thousand six"; in line 21 insert "six" following "fifty"; in line 22, strike "1984" and insert "1985" and strike "1985" and insert "1986"; on page 3, in line 2, strike "three" and insert "forty"; in line 3 insert "six hundred twenty-five" following "thousand"; in line 4, strike "1983" and insert "1984"; and strike "1984" and insert "1985"; and strike "three thousand one" and insert "forty-two thousand six"; in line 5, insert "six" following "fifty"; in line 6, strike "1984" and insert "1985" and strike "1985" and insert "1986".

RESOLUTION

LEGISLATIVE RESOLUTION 246.

Introduced by Wesely, 26th District; Marsh, 29th District.

WHEREAS, 700 cases of abuse and neglect of incompetent or disabled adults were investigated in 1983; this figure being 3 times larger than it was in 1981, and

WHEREAS, a study by the House Select Committee on Aging estimated that one out of every 25 elderly persons is abused or neglected annually, and

WHEREAS, professionals recognized that adult abuse and neglect are hidden problems unreported because victims are fearful of retaliation, and

WHEREAS, in the present criminal statute the elderly are not included as a protected group, and

WHEREAS, a review of this statute for clarification of definitions and scope of responsibility would be of benefit to victims of abuse and neglect.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE 88TH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to:

a. Seek input from professionals in the area of Adult Protective Services; and

b. Conduct statewide public hearings; and

c. Study the existing Nebraska statutes concerning adult abuse and neglect as well as the statutes of other states, and

2. That the committee:

a. Analyze the information received from all of the above sources to determine the problems of the population at risk; and

b. Determine which problems can best be addressed by changes on the civil and criminal laws of the State of Nebraska; and

3. That the committee compile a report of its findings and report them at the next regular session of the Legislature.

4. That the committee recommend legislation appropriate to its findings at the next regular Legislative session.

Referred to the Executive Board.

MR. KAHLE PRESIDING

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 775. Placed on General File.

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Eret asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 825. No objections. So ordered.

Mr. R. Peterson asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 216. E & R amendments, AM5174, found in the Journal on page 327 for the Fifth Day were adopted.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM1639, found in the Journal on page 425. No objections. So ordered.

Mr. Wesely offered the following amendment:
AM1672

1. In the Wesely amendment beginning on page 244 of the Journal:

(a) On page 1, line 1, strike "Strike original section 1 and insert" and insert "Insert"; and in line 3 strike "Section 1." and insert "Sec. 2."; and

(b) On page 3, strike beginning with the semicolon in line 22 through "6" in line 23.

2. In the Wesely amendment beginning on page 246 of the Journal:

(a) On page 1, line 2, strike "3" and insert "4"; and

(b) Strike amendment 3.

3. In the E & R amendments on page 327 of the Journal in line 5 after "1943" insert ", and section 23-1118, Revised Statutes Supplement, 1982".

4. On page 2, line 3, strike "The", show as stricken, and insert "Unless the county has adopted a retirement system pursuant to section 23-2329, the"; and in line 4 strike "fifty".

5. Renumber remaining sections accordingly.

The Wesely amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment:
AM1690

1. In the Wesely amendment, AM0994, adopted on January 6, 1984, on page 2, line 25, strike "four" and insert "five".

The Wesely amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Mr. H. Peterson requested a machine vote on the advancement of the bill.

Mr. Wesely moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Advanced to E & R for Engrossment with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Messrs. Haberman and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 14. E & R amendments, AM5175, found in the Journal on page 327 for the Fifth Day were adopted.

Mr. Beutler offered the following amendment:
AM1634

1. On page 5, line 21, after "individuals" insert "filing a Nebraska individual income tax return with federal adjusted gross income under twenty- five thousand dollars,".

The Beutler amendment was adopted with 27 ayes, 2 nays, 14 present and not voting, and 6 excused and not voting.

Passed over.

LEGISLATIVE BILL 226. E & R amendments, AM5179, found in the Journal on page 354 for the Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 218. Mr. Wesely asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 300. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 540. E & R amendments, AM5183, found in the Journal on page 401 for the Seventh Day were adopted.

Mr. Wesely offered the following amendment:
AM1652

1. On page 3, strike beginning with "board" in line 2 through the second "any" in line 4 and insert ", municipality,"; in line 6 strike "shall be" and insert "is"; and in line 7 strike "such bodies" and insert "it".

2. On page 3, line 3, strike "commissioner" and insert "commission".

3. On page 5, line 8, strike "products" and insert "supplies".

4. On page 12, line 7, strike "The", show as stricken, and insert "If the county has not contracted with a sheltered workshop, the"; and in line 11 strike the new matter.

The Wesely amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 510. E & R amendments, AM5184, found in the Journal on page 406 for the Seventh Day were adopted.

Mr. Beutler offered the following amendment:
AM1664

1. On page 2, line 4, strike "offspring" and insert "child"; in line 5 strike "offspring's" and insert "child's"; and in line 12 strike the new matter and reinstate the stricken matter.

2. On page 4, line 9, after "or" insert "such" and strike "offspring" and insert "child".

3. In the E & R amendments found starting on page 406 of the Journal, on page 1, in lines 9 and 23, strike "offspring" and insert "child".

The Beutler amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 403. E & R amendment, AM5185, found in the Journal on page 408 for the Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 403A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 507. E & R amendments, AM5186, found in the Journal on page 408 for the Seventh Day were adopted.

Mr. Beutler offered the following amendment:
AM1651

1. On page 2, strike beginning with "upon" in line 17 through the comma in line 18 and show the old matter as stricken.
2. Insert a new section as follows:

"Sec. 2. This act shall become operative on September 1, 1984, except that prior to such date any additional judges required by section 1 of this act shall be appointed. Such additional judges shall assume office on September 1, 1984.".

Renumber original section 2 as section 3.

The Beutler amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 971 - 1013, inclusive; legislative resolutions 242, 244, and 245; and the reference of Gubernatorial Appointments, Report No. 1 dated January 5, 1984, for the approval ov the Nebraska State Legislature.

LB	Committee
971	Nebraska Retirement Systems
972	Judiciary
973	Judiciary
974	Judiciary

975	Government, Military and Veterans Affairs
976	Agriculture and Environment
977	Agriculture and Environment
978	Miscellaneous Subjects
979	Judiciary
980	Miscellaneous Subjects
981	Education
982	Education
642	Education
LR 242	Constitutional Revision and Recreation
983	Public Works
984	Public Works
985	Public Works
986	Judiciary
987	Judiciary
988	Judiciary
989	Agriculture and Environment
990	Agriculture and Environment
991	Agriculture and Environment
992	Urban Affairs
993	Education
LR 244	Constitutional Revision and Recreation
995	Business and Labor
996	Special Commonwealth Committee
997	Education
LR 245	Constitutional Revision and Recreation
998	Revenue
999	Education
1000	Public Works
1001	Constitutional Revision and Recreation
1002	Public Health and Welfare
1003	Revenue
1004	Revenue
1005	Agriculture and Environment
1006	Government, Military and Veterans’ Affairs
1007	Agriculture and Environment
1008	Miscellaneous Subjects
1009	Education
1010	Urban Affairs
1011	Special Commonwealth Committee
1012	Miscellaneous Subjects
1013	Government, Military and Veterans’ Affairs

Agriculture and Environment

Dennis Grams - Director, Department of Environmental Control

Ronald Kelly (R) - Agricultural Products
Industrial Utilization Committee
M.E. "Bus" Whitehead (R) - Agricultural Products
Industrial Utilization Committee
Allen Kreuscher - Agricultural Products
Industrial Utilization Committee
Don D. Hutchens - Agricultural Products
Industrial Utilization Committee
Bill Miller - Environmental Control Council
Sandy Scofield - Environmental Control Council
t Phil James - Environmental Control Council
Dave Sands - Environmental Control Council
Dr. Steve Thomas - Environmental Control Council
Jim George - Environmental Control Council
Dewey Anderson - Environmental Control Council

Banking, Commerce, and Insurance
Roger Beverage - Director, Department of Banking
Maxine Maul - Advisory Committee to
Department of Economic Development
Tom Emerton - Advisory Committee to
Department of Economic Development
James Stuart, Jr. - Advisory Committee to
Department of Economic Development
Bob Krhon (R) - Advisory Committee to
Department of Economic Development
Lynn Roper - Advisory Committee to
Department of Economic Development
Burnham Yates - Nebraska Investment Council
John Miller - Acting Director, Department of Banking

Business and Labor
Robert W. Mullin - Commission of Industrial Relations

Education
Arthur Langvardt - Educational Television Commission
Maurine Biegert - Educational Television Commission
Vance D. Rogers (R) - Educational Television Commission
Jerry Ingram - Educational Television Commission
Phillip Heckman (R) - Educational Television Commission
Odra W. Bradley - Educational Television Commission
Emmett Connealy - Educational Television Commission
David A. Domina - Board of Educational Lands and Funds
Scott Liggett - Board of Trustees of Nebraska State Colleges
Cynthia Lauritsen - Board of Trustess of Nebraska State Colleges
Lori A. Vrtiska - Board of Trustees of Nebraska State Colleges

Stacey B. Dagle - Board of Trusteesof Nebraska State Colleges

Government, Military and Veterans Affairs

Charles M. Pallesen, Jr. - State Personnel Board
(Term: 5-18-83 - 8-4-83)
Charles M. Pallesen, Jr. - State Personnel Board
(Reappointed - Term: 8-4-83 - 8-4-88)
James Carmona - Adjutant General Military Department

Judiciary

Mary Wieseman - State Parole Board
Carlos Alvarez - State Parole Board
Ron Bartee - Chairman, State Parole Board

Miscellaneous Subjects

Richard Noel - State Electrical Board
Dennis Shroeder (R) - State Electrical Board
John P. Miller - Liquor Control Commission
Frederick W. "Wes" Voseipka - Bingo and Pickle Card Regulatory Commission
Gary Chunka - Bingo and Pickle Card Regulatory Commission
John LaMalfa - Bingo and Pickle Card Regulatory Commission
John D. Wherry - NE Accountability and Disclosure Commission
(Appt. made by Allen Beermann, Sec'y of State)

Public Health and Welfare

Dr. Wm. V. Drost - State Board of Health
Dr. Judy Butler - Rural Health Manpower Commission
Greg Wright - Director, Department of Health
Helen G. Boosalis - Director, Department of Aging

Public Works

James C. Patte - Motor Vehicle Industry Licensing Board

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARINGS

Education

LB 981	Tuesday, January 24, 1984	1:30 p.m.
LB 857	Tuesday, January 24, 1984	1:30 p.m.
LB 858	Tuesday, January 24, 1984	1:30 p.m.
LB 960	Tuesday, January 24, 1984	1:30 p.m.
LB 970	Tuesday, January 24, 1984	1:30 p.m.
LB 764	Tuesday, January 24, 1984	1:30 p.m.

LB 881	Tuesday, January 31, 1984	1:30 p.m.
LB 889	Tuesday, January 31, 1984	1:30 p.m.
LB 890	Tuesday, January 31, 1984	1:30 p.m.
LB 922	Tuesday, January 31, 1984	1:30 p.m.
LB 814	Tuesday, January 31, 1984	1:30 p.m.
LB 993	Tuesday, January 31, 1984	1:30 p.m.

(Signed) Tom Vickers, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1038. By Chronister, 18th District.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend section 23-2420, Reissue Revised Statutes of Nebraska, 1943; to establish requirements for causes of action against officers and employees of political subdivisions; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1039. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Labedz, 5th District; Remmers, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to provide duties for the Director of Banking and Finance in regard to violations of provisions relating to banks and banking; to provide procedures; to provide for notice and hearing; to provide for appeals; and to declare an emergency.

LEGISLATIVE BILL 1040. By Schmit, 23rd District.

A BILL FOR AN ACT relating to emergency vehicles; to amend section 39-6,149, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,151, Revised Statutes Supplement, 1982; to change provisions relating to flashing lights; and to repeal the original sections.

LEGISLATIVE BILL 1041. V. Johnson, 8th District; Wesely, 26th District.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to eligibility; and to repeal the original section.

LEGISLATIVE BILL 1042. By Pappas, 42nd District.

A BILL FOR AN ACT relating to motor vehicle fuels; to allow licensed dealers of motor vehicle fuel to collect certain interest fees.

LEGISLATIVE BILL 1043. By Wagner, 41st District.

A BILL FOR AN ACT relating to schools; to amend sections 79-426.15 and 79-426.23, Reissue Revised Statutes of Nebraska, 1943; to change election provisions relating to reorganization plans of school districts; to change provisions relating to the dissolution of certain districts; and to repeal the original sections.

LEGISLATIVE BILL 1044. By Wagner, 41st District.

A BILL FOR AN ACT relating to schools; to amend section 79-802, Reissue Revised Statutes of Nebraska, 1943, and section 79-801, Revised Statutes Supplement, 1983; to change provisions relating to the annexation of school district territory; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1045. By Beutler, 23th District.

A BILL FOR AN ACT relating to cemeteries; to eliminate a provision relating to damage done in a cemetery as prescribed; and to repeal section 12-519, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1046. By Beutler, 28th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-105, Reissue Revised Statutes of Nebraska, 1943; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 1047. By Wesely, 26th District.

A BILL FOR AN ACT relating to mentally ill dangerous persons; to amend section 83-1020, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to confinement of such persons; to provide duties for counties; and to repeal the original section.

LEGISLATIVE BILL 1048. By Pirsch, 10th District.

A BILL FOR AN ACT relating to adoption of children; to amend section 43-104, Revised Statutes Supplement, 1983; to change provisions relating to consent for adoption; to provide for a guardian ad litem; and to repeal the original section.

LEGISLATIVE BILL 1049. By Pappas, 42nd District; Eret, 32nd

District; Sieck, 24th District.

A BILL FOR AN ACT relating to banking; to require banks to certify certain loan procedures as prescribed.

LEGISLATIVE BILL 1050. By Hoagland, 6th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 25-1912, Revised Statutes Supplement, 1982; to allow modification of sentence as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1051. By Goodrich, 20th District.

A BILL FOR AN ACT relating to school funds; to amend section 79-1308.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to investment of funds; and to repeal the original section.

LEGISLATIVE BILL 1052. By Goodrich, 20th District.

A BILL FOR AN ACT relating to public funds; to amend sections 3-616, 3-709, 14-512, 14-556, 14-1237, 14-1719, 14-1818, 15-845 to 15-848, 16-691.01, 16-712 to 16-715, 17-607, 17-720, 31-350, 77-2301, 77-2305, 77-2307, 77-2312, 77-2314, 77-2318, 77-2319, 77-2326.04, 77-2340, 77-2341, 77-2344, 77-2345, 77-2350, 77-2352, 77-2355, and 77-2362, Reissue Revised Statutes of Nebraska, 1943, and sections 3-506, 15-1016, 16-716, and 18-2125, Revised Statutes Supplement, 1982; to authorize the deposit of certain public funds in financial institutions in addition to banks; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1053. By Abboud, 12th District.

A BILL FOR AN ACT to adopt the Gas Utility Act; to amend sections 14-106, 15-266, 16-679, and 17-528.02, Reissue Revised Statutes of Nebraska, 1943; to provide for the regulation of gas utilities as prescribed; to change certain regulation provisions; to provide an operative date; and to repeal the original sections, and also sections 18-414 and 18-415, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1054. By Abboud, 12th District.

A BILL FOR AN ACT relating to public utilities; to amend section 18-414, Reissue Revised Statutes of Nebraska, 1943; to provide a uniform procedure for rate increases; to authorize access to certain documents and records of public utilities by the municipalities they serve; to change the time period within which a city council or village board may act upon a proposed gas rate increase; and to repeal the original section.

LEGISLATIVE BILL 1055. By Abboud, 12th District.

A BILL FOR AN ACT relating to utilities; to adopt the Citizens Utility Board Act.

LEGISLATIVE BILL 1056. By H. Peterson, 35th District; L. Johnson, 15th District; Kahle, 37th District; Kilgarin, 7th District; Morehead, 30th District; Warner, 25th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to personnel; to amend section 81-1335, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to salary surveys; and to repeal the original section.

LEGISLATIVE BILL 1057. By Hoagland, 6th District; Vickers, 38th District.

A BILL FOR AN ACT relating to postsecondary education; to provide a work-study program; to provide duties for the Nebraska Coordination Commission for Postsecondary Education; to define terms; to provide for rules and regulations; and to provide severability.

LEGISLATIVE BILL 1058. By Hefner, 19th District; Carsten, 2nd District; Remmers, 1st District; Von Minden, 17th District; Kilgarin, 7th District; Higgins, 9th District; Newell, 13th District; Goll, 16th District.

A BILL FOR AN ACT relating to barge traffic on the Missouri River; to direct the Governor to enter into a compact as prescribed.

LEGISLATIVE BILL 1059. By Hefner, 19th District; Carsten, 2nd District; Remmers, 1st District; Von Minden, 17th District; Goll, 16th District; Newell, 13th District; Higgins, 9th District; Kilgarin, 7th District.

A BILL FOR AN ACT relating to the Missouri River Barge Traffic Compact; to amend Laws 1981, LB 118, section 1; to extend the time for execution of the compact; to repeal original Laws 1981, LB 118, section 1; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following

amendment to LB 333 in the Journal. No objections. So ordered.

AM1647

1. Strike the original sections and the Standing Committee amendments thereto and insert the following new sections:

"Section 1. The governing board of any school district may enter into contracts under such terms and conditions as the board deems appropriate for a period not to exceed four years for the provision of utility services, refuse disposal, transportation services, maintenance services, financial services, insurance, security services, and instructional materials, supplies, and equipment and for collective bargaining agreements with employee groups. Nothing in this section shall be construed to permit multiyear contracts with individual school district employees.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 3, after "service" insert "; and to declare an emergency".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Schmit asked unanimous consent to have his name added as co-introducer to LB 450. No objections. So ordered.

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE RESOLUTION 87. Reported to the Legislature for further consideration.

(Signed) Rex Haberman, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 247.

Introduced by Hoagland, 6th District.

A Resolution to propose an amendment to Article VII, section 10, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who, until 1986, shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

Commencing in 1986, members of the Board of Regents shall be appointed by the Governor. As the term of each elected member of the board expires, the Governor shall appoint one new member until a total of eight appointed members serve on the board. Such appointed members shall be selected from their respective regent districts as such districts exist at the time of their appointment. The redistricting procedure of regent districts shall be the same as that prior to 1986. Appointments to the board shall be approved and ratified by the Legislature and the terms of such appointments shall be for six years. The nonvoting student positions shall be retained. The duties and powers of the members shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to provide that membership to the Board of Regents shall be by appointment of the Governor subject to ratification by the Legislature and to provide for powers, duties, and expenses of the board.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 296A. By Hoagland, 6th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 296, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

VISITORS

Visitors to the Chamber were former senator Dick Lewis; Virginia Thrall and Dave Nichols from Chicago; and fourteen 6th grade students and teacher from Sacred Heart, Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Wednesday, January 18, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 18, 1984

LEGISLATIVE JOURNAL

TENTH DAY - JANUARY 18, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 18, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Robert L. Bromley, Minister of Bethany Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Clark, Rupp, and Mrs. Higgins who were excused; and Messrs. Hoagland, V. Johnson, Newell, R. Peterson, Withem, and Ms. Scofield who were were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

REPORT

Received statement of deposits from the Department of Roads to the Highway Cash Fund & Roads Operation Cash Fund for December.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 554. Indefinitely postponed.

(Signed) John DeCamp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 115. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay, 11 present and not voting, and 10 excused and not voting.

MOTION - Withdraw LB 481A

Mr. Warner renewed his pending motion found in the Journal on page 444 to withdraw LB 481A.

The motion prevailed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 390. Title read. Considered.

Standing Committee amendments, AM1630, found in the Journal on page 364 for the Sixth Day were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Failed to advance to E & R for Review with 15 ayes, 27 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 130. Title read. Considered.

Standing Committee amendment, AM0784, found in the Journal on page 1035 for the Forty-Eighth Day, First Session, was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Messrs. Schmit and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Newell offered the following amendment:
To amend LB 130 - On page 3, line 16, strike the word "two" and insert "four".

The Newell amendment was adopted with 25 ayes, 7 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Landis offered the following amendment:
AM1700
1. On page 4, line 20, strike "health" and insert "physical well- being"; and in line 25, strike "proper health" and insert "physical well- being".

2. On page 5, in lines 3 and 13, strike "health" and insert "physical well- being".

3. On page 6, in lines 8, 13, and 27, strike "health" and insert "physical well- being".

4. On page 7, line 22, after the period insert "Notice by publication shall only be made if personal service or service by mail cannot be effectuated."; and in line 27, after "violation" insert "after the department issues its order finding a violation".

Mr. V. Johnson requested a division of the question on the Landis amendment.

The Chair sustained the division of the question.

The first Landis amendment is as follows:

4. On page 7, line 22, after the period insert "Notice by publication shall only be made if personal service or service by mail cannot be effectuated."; and in line 27, after "violation" insert "after the department issues its order finding a violation".

The first Landis amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The second Landis amendment is as follows:

1. On page 4, line 20, strike "health" and insert "physical well- being"; and in line 25, strike "proper health" and insert "physical well- being".

2. On page 5, in lines 3 and 13, strike "health" and insert "physical well- being".

3. On page 6, in lines 8, 13, and 27, strike "health" and insert "physical well- being".

Mr. Landis moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The second Landis amendment was adopted with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman offered the following amendment:
AM0508

1. On page 2, line 4, after "of" insert "certain"; in line 5 strike "all"; in line 9 after "programs" insert "in larger communities"; and in line 21 after "programs" insert "in certain cities".

2. On page 3, line 5, after "services" insert ", in a city having a population in excess of ten thousand inhabitants,"; and in line 15 after "shall" insert ", in a city having a population in excess of ten thousand inhabitants,".

3. On page 4, lines 7 and 13, strike ", village, or county".

4. On page 6, lines 7, 11, 18, 21, and 25, strike ", village, or county".

Messrs. Fenger, Hefner, DeCamp, and Carsten asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. H. Peterson offered the following amendment to the Haberman amendment:

Amend the Haberman amendment to read 50,000.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Haberman requested a roll call vote on the H. Peterson amendment.

Voting in the affirmative, 17:

Abboud Chronister Goll Goodrich Haberman
Jacobson Johnson, L. Kahle Lamb Nichol
Pappas Peterson, H. Peterson, R. Remmers Sieck
Von Minden Wagner

Voting in the negative, 18:

Beyer Chambers Eret Hannibal Harris
Johnson, R. Johnson, V. Kilgarin Labedz Landis
Marsh McDonald Morehead Pirsch Scofield
Vickers Wesely Withem

Present and not voting, 2:

Barrett	Lundy

Absent and not voting, 1:

Warner

Excused and not voting, 11:

Beutler	Carsten	Clark	DeCamp	Fenger
Hefner	Higgins	Hoagland	Newell	Rupp
Schmit				

The H. Peterson amendment to the Haberman amendment lost with 17 ayes, 18 nays, 2 present and not voting, 1 absent and not voting, and 11 excused and not voting.

Mr. Haberman asked unanimous consent to withdraw his pending amendment, AM0508. No objections. So ordered.

The Chair declared the Call raised.

Mr. V. Johnson offered the following amendment:

By adding the following sentence after the sentence ending on line 20, page 3.

"Any provider not covered by this act may voluntarily subject himself, herself or itself to coverage." Throughout the bill, change Department of Public Welfare" to "Department of Social Services."

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Haberman moved to indefinitely postpone LB 130.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1060. By Haberman, 44th District.

A BILL FOR AN ACT relating to ground water; to amend section 46-613.02, Reissue Revised Statutes of Nebraska, 1943, and section 46-613.01, Revised Statutes Supplement, 1983; to provide intent; to change provisions relating to transporting ground water; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1061. By DeCamp, 40th District.

A BILL FOR AN ACT relating to the Nebraska Accountability and Disclosure Commission; to amend section 49-14,124, Reissue Revised Statutes of Nebraska, 1943, sections 49-14,126 and 49-14,133, Revised Statutes Supplement, 1982, and section 49-14,123, Revised Statutes Supplement, 1983; to transfer certain duties to the Attorney General and county attorneys; to eliminate certain duties of the commission; and to repeal the original sections, and also section 49-14,131, Reissue Revised Statutes of Nebraska, 1943, and section 49-14,125, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 1062. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the sales and use tax; to amend section 77-2704, Revised Statutes Supplement, 1983; to change provisions relating to manufacturing and processing equipment; and to repeal the original section.

LEGISLATIVE BILL 1063. By Fenger, 45th District.

A BILL FOR AN ACT relating to community action agencies; to provide intent; to define terms; to provide duties; and to provide for allocation of funds.

LEGISLATIVE BILL 1064. By Chronister, 18th District; H. Peterson, 35th District; Jacobson, 33rd District.

A BILL FOR AN ACT relating to livestock; to provide for liens on livestock as prescribed.

LEGISLATIVE BILL 1065. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to schools; to provide intent; to appropriate funds; to provide duties; to create a fund; and to provide for education of gifted children as prescribed.

LEGISLATIVE BILL 1066. By Pappas, 42nd District.

A BILL FOR AN ACT relating to insurance; to amend section 48-145, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to provide for the creation of group self-insurance pools as prescribed; to provide requirements; to provide group self-insurance pools and the Department of Insurance with powers and duties; to provide for the termination of group self-insurance pools; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1067. By Beutler, 28th District; Von Minden, 17th District; Pirsch, 10th District; Chronister, 18th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-516, Reissue Revised Statutes of Nebraska, 1943, and sections 28-101, 28-509, 28-511, 28-518, 28-519, and 60-430.01, Revised Statutes Supplement, 1982; to provide for and change provisions relating to certain crimes against property; to define terms; to change provisions relating to illegal operation of a motor vehicle; to provide penalties; to harmonize provisions; to eliminate the crime of committing terroristic threats; and to repeal the original sections, and also section 28-311, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1068. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1983; to change provisions relating to branch banks; and to repeal the original section.

LEGISLATIVE BILL 1069. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-902, Reissue Revised Statutes of Nebraska, 1943, and section 8-903, Revised Statutes Supplement, 1983; to define and redefine terms; to change provisions relating to bank holding companies; and to repeal the original sections.

LEGISLATIVE BILL 1070. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to create the Emergency Response Team; to provide powers and duties; to provide for an appropriation; and to declare an emergency.

LEGISLATIVE BILL 1071. By Schmit, 23rd District.

A BILL FOR AN ACT relating to ground water; to amend sections 46-667 to 46-671, Reissue Revised Statutes of Nebraska, 1943, sections 46-663, 46-665, 46-672, 46-674, and 46-674.01, Revised Statutes Supplement, 1982, and sections 46-656, 46-657, 46-659 to 46-661, and 46-666, Revised Statutes Supplement, 1983; to change provisions relating to the citation of the Nebraska Ground Water Management and Protection Act and related statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1072. By DeCamp, 40th District.

A BILL FOR AN ACT relating to courts; to amend section 24-523, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to small claims courts; and to repeal the original section.

LEGISLATIVE BILL 1073. By Higgins, 9th District.

A BILL FOR AN ACT relating to insurance companies; to amend section 77-910, Reissue Revised Statutes of Nebraska, 1943, and section 60-409.02, Revised Statutes Supplement, 1982; to provide a tax on certain insurance premiums; to create a fund; to provide for a distribution formula; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1074. By Higgins, 9th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,149, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain expenditures; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1075. By Beutler, 28th District.

A BILL FOR AN ACT relating to liquor; to amend sections 53-103 and 53-124, Revised Statutes Supplement, 1983; to define and redefine terms; to allow the tasting of alcoholic liquor as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1076. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-820, Revised Statutes Supplement, 1983; to eliminate a fee limitation; and to repeal the original section.

LEGISLATIVE BILL 1077. By Pappas, 42nd District.

A BILL FOR AN ACT relating to franchises; to amend section 87-406, Reissue Revised Statutes of Nebraska, 1943; to prohibit an additional practice as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1078. By Kahle, 37th District.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1518, 81-1521.04, 81-1527, and 81-1528, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1502, 81-1504, 81-1505, 81-1505.01, 81-1508, and 81-1531.02, Revised Statutes Supplement, 1983; to redefine a term; to make available certain information relating to hazardous waste as prescribed; to provide additional powers and duties as prescribed; to provide for rules and regulations as prescribed; to provide for a schedule of fees; to provide penalties; to change an exemption; to extend a moratorium; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1079. By Barrett, 39th District.

A BILL FOR AN ACT relating to liquor; to amend section 53-168, Revised Statutes Supplement, 1982; to prohibit consumer rebate plans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1080. By Administrative Rules and Regulations Review Committee: Beyer, 3rd District, Chairperson; Hannibal, 4th District; R. Johnson, 34th District; Lundy, 36th District.

A BILL FOR AN ACT relating to rules of administrative agencies; to amend sections 84-905.01, 84-908.03, and 84-908.05, Reissue Revised Statutes of Nebraska, 1943; to delete provisions for suspension of a rule or regulation; to harmonize provisions; to change duties; to repeal the original sections, and also section 84-908.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1081. By Labedz, 5th District.

A BILL FOR AN ACT relating to federal lands; to provide concurrent jurisdiction with the federal government over certain federal lands as prescribed.

LEGISLATIVE BILL 1082. By Scofield, 49th District.

A BILL FOR AN ACT relating to uranium severance tax; to amend sections 57-1201 to 57-1204, 57-1206, 57-1207, 57-1209, 57-1210, and 57-1213, Revised Statutes Supplement, 1983; to define and redefine terms; to change the rate of tax; to change provisions relating to liability for and payment and collection of the tax as prescribed; to change lien provisions; to provide powers and duties; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1083. By Scofield, 49th District.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1503 and 81-1504, Revised Statutes Supplement, 1983; to provide duties relating to administrative units of the Department to Environmental Control; to eliminate a power of the department; and to repeal the original sections.

LEGISLATIVE BILL 1084. By Urban Affairs Committee: Newell, 13th District, Chairperson; Haberman, 44th District; Remmers, 1st District; Scofield, 49th District; Vickers, 38th District.

A BILL FOR AN ACT relating to community development; to amend section 18-2102, Reissue Revised Statutes of Nebraska, 1943, and section 58-219, Revised Statutes Supplement, 1983; to state intent; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 1085. By McDonald, 31st District; Wesely, 26th District.

A BILL FOR AN ACT relating to elections; to amend section 32-216, Revised Statutes Supplement, 1982; to provide for registration of voters on the day of primary elections as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1086. By Fenger, 45th District.

A BILL FOR AN ACT to adopt the Confidentiality of Patient Care Information Act.

LEGISLATIVE BILL 1087. By Wagner, 41st District.

A BILL FOR AN ACT relating to schools; to amend section 79-802, Reissue Revised Statutes of Nebraska, 1943, and section 79-801, Revised Statutes Supplement, 1983; to change provisions relating to the annexation of certain school district territory; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1088. By Wagner, 41st District.

A BILL FOR AN ACT relating to schools; to amend section 79-801, Revised Statutes Supplement, 1983; to change provisions relating to the annexation of certain school district territory; and to repeal the original section.

LEGISLATIVE BILL 1089. By Landis, 46th District.

A BILL FOR AN ACT relating to motorcycle safety education; to amend sections 60-336, 60-409.02, 60-2109, 60-2113, and 60-2118, Revised Statutes Supplement, 1982, and sections 39-2215 and 60-2116, Revised Statutes, 1983; to change various provisions relating to the Motorcycle Safety Education Fund; to change a fee; to change provisions relating to instructor preparation courses; to provide requirements; to provide for educational assistance; and to repeal the original sections.

LEGISLATIVE BILL 1090. By Chambers, 11th District.

A BILL FOR AN ACT relating to gasohol; to require labeling of gasohol pumps as prescribed; and to provide a penalty.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 925	Wednesday, January 25, 1984	1:30 p.m.
LB 910	Wednesday, January 25, 1984	1:30 p.m.
LB 992	Wednesday, January 25, 1984	1:30 p.m.
LB 1010	Wednesday, January 25, 1984	1:30 p.m.

(Signed) Dave Newell, Chairperson

Constitutional Revision and Recreation

LR 234CA	Thursday, January 26, 1984	1:30 p.m.
LB 967	Thursday, January 26, 1984	1:30 p.m.
LB 680	Thursday, January 26, 1984	1:30 p.m.
LR 238CA	Thursday, January 26, 1984	1:30 p.m.

(Signed) Bernice Labedz, Chairperson

Government, Military & Veterans Affairs

LB 966	Thursday, February 2, 1984	1:30 p.m.
LB 975	Thursday, February 2, 1984	1:30 p.m.

LB 1006	Thursday, February 16, 1984	1:30 p.m.
LB 1013	Thursday, February 16, 1984	1:30 p.m.

(Signed) David Landis, Chairperson

Miscellaneous Subjects

LB 943	Thursday, January 26, 1984	1:30 p.m.
LB 820	Thursday, January 26, 1984	1:30 p.m.
LB 935	Thursday, January 26, 1984	1:30 p.m.

LB 741	Thursday, February 2, 1984	1:30 p.m.
LB 948	Thursday, February 2, 1984	1:30 p.m.
LB 949	Thursday, February 2, 1984	1:30 p.m.
LB 950	Thursday, February 2, 1984	1:30 p.m.

LB 714	Friday, February 3, 1984	1:30 p.m.
LB 797	Friday, February 3, 1984	1:30 p.m.
LB 836	Friday, February 3, 1984	1:30 p.m.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

On page 3, line 13 after "camp" insert: ", classes or services provided by a religious organization other than day care or preschool or nursery schools"

Mr. DeCamp asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

AM1698

1. On page 2, in line 9, after "programs" insert ", except those conducted in a church,", in line 14 after "programs" insert ", except those conducted in a church", and in lines 21 and 24, after "programs" insert ", except those conducted in a church".

2. On page 3, line 13, after "camp," insert "any child care program conducted in a church,".

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 333. E & R amendment, AM5170, found in the Journal on page 309 for the Fourth Day was adopted.

Mr. Goodrich renewed his pending amendment, AM1647, found in the Journal on page 456.

The Goodrich amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 218. E & R amendments, AM5180, found in the

Journal on page 355 for the Sixth Day were adopted.

Mr. Wesely renewed his pending amendment, AM1638, found in the Journal on page 425.

The Wesely amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Wesely renewed his pending amendment, AM1691, found in the Journal on page 444.

The Wesely amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 564. E & R amendment, AM5188, found in the Journal on page 409 for the Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE RESOLUTION 2CA. E & R amendments, AM5195, found in the Journal on page 417 for the Eighth Day were adopted.

Mrs. Pirsch offered the following amendment:
1. On page 2, line 20, after "drug" insert "and alcohol".

The Pirsch amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 6 nays, 7 present and not voting, and 11 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1091. By Schmit, 23rd District.

A BILL FOR AN ACT relating to law enforcement; to prohibit certain acts by law enforcement officers; to provide notice to persons being detained; and to provide a penalty.

LEGISLATIVE BILL 1092. By Schmit, 23rd District.

A BILL FOR AN ACT relating to threatened and endangered species; to amend sections 37-430, 37-431, and 37-435, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to exemptions for state agency actions; to provide for consultation as prescribed; to create a committee; to provide powers and duties; to provide for judicial review; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1093. By Newell, 13th District.

A BILL FOR AN ACT relating to educational telecommunications; to amend sections 79-2101 to 79-2107 and 79-2109 to 79-2115, Reissue Revised Statutes of Nebraska, 1943; to rename a commission, an act, and a fund; to expand the scope of certain noncommercial educational services; to harmonize provisions; and to repeal the original sections, and also section 79-2108, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1094. By McDonald, 31st District.

A BILL FOR AN ACT relating to firefighters; to provide intent; to provide a rebuttable presumption in favor of firefighters as prescribed; and to include cancer as an injury or accident in the line of duty as prescribed.

LEGISLATIVE BILL 1095. By Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-1202, Reissue Revised Statutes of Nebraska, 1943; to change a penalty as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1096. By DeCamp, 40th District.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1474, Reissue Revised Statutes of Nebraska, 1943; to provide a standard of proof for false statements; and to repeal the original section.

LEGISLATIVE BILL 1097. By Schmit, 23rd District.

A BILL FOR AN ACT relating to schools; to amend sections 79-403 and 79-1108, Revised Statutes Supplement, 1982; to eliminate certain provisions and change certain provisions relating to transfer of property between school districts as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1098. By Schmit, 23rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-402, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to changing the boundaries of certain school districts; and to repeal the original section.

LEGISLATIVE BILL 1099. By Schmit, 23rd District.

A BILL FOR AN ACT relating to labor; to amend section 48-604, Revised Statutes Supplement, 1983; to redefine terms; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LR 17 in the Journal. No objections. So ordered.

AM1702

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendments to Article VIII, section 1, and by adding to such Article a new section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

'Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied upon separate and distinct classes of property by valuation uniformly and proportionately upon each class and there shall be classes for land actively used for agriculture, land not used for agriculture, all improvements to real estate, and all other ~~all~~ tangible property and franchises, except that the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, semi-trailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of said county on personal tangible property. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.

Sec. 13. Beginning January 1, 1985, the maximum amount of ad valorem tax levied on any property for any taxable year shall not exceed one and one half per cent of the actual value of such property as determined by the assessment rolls, except for ad valorem taxes levied for retiring, refunding, or servicing indebtedness approved by the voters according to law. Such limitation may be increased by an affirmative vote of three- fourths of the members of the Legislature, except that any such increased limitation shall not be effective for more than two taxable years after any such vote.’.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

'Constitutional amendment to establish separate and distinct classes of property for the purpose of taxation and to limit the amount of tax levied on property and to authorize increases as prescribed.
For
Against'.".

GENERAL FILE

LEGISLATIVE BILL 453. Title read. Considered.

Standing Committee amendment, AM1629, found in the Journal on page 369 for the Sixth Day was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1100. By Schmit, 23rd District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-669.11, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.07 and 39-669.08, Revised Statutes Supplement, 1982; to change provisions relating to operating a vehicle while under the influence of drugs; to provide for tests; to establish implied consent; to prohibit a defense; to authorize use of certain information as evidence; and to repeal the original sections.

LEGISLATIVE BILL 1101. By Schmit, 23rd District.

A BILL FOR AN ACT relating to Department of Correctional Services-made goods; to amend section 83-145, Revised Statutes Supplement, 1983; to require the use of such goods by certain entities; to provide duties relating to highway signs; and to repeal the original section.

LEGISLATIVE BILL 1102. By Schmit, 23rd District.

A BILL FOR AN ACT relating to parole; to amend section 83-1,110, Reissue Revised Statutes of Nebraska, 1943; to prohibit the release of certain offenders on parole prior to service of his or her minimum term; and to repeal the original section.

LEGISLATIVE BILL 1103. By Abboud, 12th District.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2013, Reissue Revised Statutes of Nebraska, 1943, and section 71-2023, Revised Statutes Supplement, 1982; to adopt the Hospital Cost Containment Act; to harmonize provisions; to provide additional grounds for suspension and revocation of certain licenses; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1104. By Abboud, 12th District.

A BILL FOR AN ACT relating to hospitals; to require annual fiscal reporting as prescribed; and to provide a penalty.

LEGISLATIVE BILL 1105. By DeCamp, 40th District.

A BILL FOR AN ACT relating to condominiums; to amend sections 31-735, 76-825, 76-838, 76-849, 76-854, 76-857, 76-860, 76-862, 76-863, 76-866, 76-870, 76-874, 76-878 to 76-881, 76-883, 76-884, 76-887, 76-888, 76-890, and 76-891, Revised Statutes Supplement, 1983; to rename an act; to change provisions relating to voting rights, relocation of boundaries, amendments, warranties, leases, meetings, purchasers, public offering statements, resale of units, and violations as prescribed; to harmonize provisions; and to repeal the original sections, and also section 76-889, Revised Statutes Supplement, 1983.

LEGISLATIVE BILL 1106. By Schmit, 23rd District, at the request of the Governor.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1503, 2-3269, 2-3270, 2-3272, and 37-435, Reissue Revised Statutes of Nebraska, 1943, sections 2-3265, 2-3271, 46-204, and 46-209, Revised Statutes Supplement, 1982, and sections 2-1504, 2-1507, and 46-673.01, Revised Statutes Supplement, 1983; to state intent; to define terms; to create a board; to provide for certain consultation and the review of certain projects as prescribed; to provide for a Director of Natural Resources; to create a fund; to change provisions relating to the Nebraska Resources Development Fund; to provide for instream appropriations; to change provisions relating to preferences; to require ground water management plans; to provide powers and duties; to harmonize provisions; and to repeal the original sections, and also section 2-3268, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 1107. By Pappas, 42nd District.

A BILL FOR AN ACT relating to cities and villages; to amend sections 19-1803.01, 19-1804, 19-1806, 19-1808, 19-1810, 19-1811, 19-1813, 19-1819, 19-1820, and 19-1823, Reissue Revised Statutes of Nebraska, 1943, and section 19-1801, Revised Statutes Supplement, 1983; to change provisions relating to civil service commissions; to provide for election of commission members; to provide duties; to provide for hearings; to change qualifications for civil service applicants; to change provisions relating to disciplinary actions; to define a term; to harmonize provisions; and to repeal the original sections, and also sections 19-1805 and 19-1812, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1108. By Schmit, 23rd District.

A BILL FOR AN ACT relating to water resources; to amend sections 2-3269, 2-3270, 2-3272, and 46-205, Reissue Revised Statutes of Nebraska, 1943, sections 2-3265, 2-3268, 2-3271, 46-204, 46-209, 46-234, 46-235, and 46-289, Revised Statutes Supplement, 1982, and sections 2-1504, 2-1507, 46-233, 46-241, and 46-242, Revised Statutes Supplement, 1983; to change provisions relating to the consideration and approval of certain water rights appropriations; to create a board; to provide powers and duties; to change provisions relating to priority dates; to require specific appropriations by the Legislature as prescribed; to change provisions relating to the Nebraska Resources Development Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1109. By Schmit, 23rd District.

A BILL FOR AN ACT relating to water resources; to amend section 46-204, Revised Statutes Supplement, 1982; to state intent; to define a term; to change provisions relating to preferences in the use of waters of a natural stream; to authorize the appropriation of water for instream flows; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 1110. By Schmit, 23rd District.

A BILL FOR AN ACT relating to natural resources; to appropriate funds.

LEGISLATIVE BILL 1111. By Hoagland, 6th District; Nichol, 48th District.

A BILL FOR AN ACT relating to criminal offenses; to amend section

60-403, Reissue Revised Statutes of Nebraska, 1943, and sections 28-106, 29-2260, 39-669.07, 39-669.08, and 60-430.01, Revised Statutes Supplement, 1982; to redefine a misdemeanor penalty classification; to change provisions relating to driving while intoxicated as prescribed; to change provisions relating to operators' licenses as prescribed; to harmonize provisions; to provide penalties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1112. By Von Minden, 17th District.

A BILL FOR AN ACT relating to labor; to amend sections 48-225 to 48-228, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the preference given veterans seeking employment as prescribed; to define and redefine terms; and to repeal the original sections.

EASE

The Legislature was at ease from 11:48 a.m. until 11:55 a.m.

MR. V. JOHNSON PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1113. By Hoagland, 6th District.

A BILL FOR AN ACT relating to courts; to amend section 24-568, Reissue Revised Statutes of Nebraska, 1943; to provide the district court with jursidiction in certain matters; and to repeal the original section.

LEGISLATIVE BILL 1114. By Hoagland, 6th District.

A BILL FOR AN ACT relating to conciliation court; to define a term; and to provide mediation services as prescribed.

LEGISLATIVE BILL 1115. By Nichol, 48th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to pretrial diversion; to amend section 29-3604, Revised Statutes Supplement, 1982; to change a provision relating to eligibility as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1116. By Higgins, 9th District.

A BILL FOR AN ACT relating to crimes; to require the filing of certain reports by county attorneys; and to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice.

LEGISLATIVE BILL 1117. By DeCamp, 40th District; Kilgarin, 7th District; V. Johnson, 8th District; Harris, 27th District; McDonald, 31st District; Chronister, 18th District; Goodrich, 20th District; Pappas, 42nd District; Wagner, 41st District; Nichol, 48th District; H. Peterson, 35th District; Hannibal, 4th District.

A BILL FOR AN ACT relating to business; to adopt the Small Business Development Authority Act; and to provide for severability.

LEGISLATIVE BILL 1118. By Harris, 27th District.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-106.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to accumulation of retirement benefits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1119. By Newell, 13th District.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-102, 16-103, 17-301, and 17-305, Reissue Revised Statutes of Nebraska, 1943; to provide for a procedure for the reorganization of certain cities and villages; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1120. By Lundy, 36th District.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 19-903 and 23-374, Reissue Revised Statutes of Nebraska, 1943, and sections 16-902, 16-903, 17-1002, and 19-916, Revised Statutes Supplement, 1983; to change a provision relating to the approval of any subdivision or platting plan; to provide for the recordation within a certain time period of certain instruments affecting real property in cities and counties as prescribed; to change a provision relating to the elements of a comprehensive plan as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1121. By Schmit, 23rd District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 23-1201, Revised Statutes Supplement, 1983; to prohibit plea agreements and similar negotiations; to harmonize provisions; and to repeal the original section, and also sections 29-119 and 29-120, Revised

Statutes Supplement, 1983.

LEGISLATIVE BILL 1122. By Schmit, 23rd District.

A BILL FOR AN ACT relating to courts; to provide considerations for courts granting charge and sentence concessions; and to establish requirements for plea agreements.

LEGISLATIVE BILL 1123. By V. Johnson, 8th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702 and 77-2703, Revised Statutes Supplement, 1983; to provide a refundable tax credit as prescribed; to define and redefine terms; to provide a sales tax on services; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 453A. By L. Johnson, 15th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 453, Eighty-eighth Legislature, Second Session, 1984.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chronister asked unanimous consent to have his name added as co-introducer to LB 966. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 248CA.

Introduced by Pappas, 42nd District; V. Johnson, 8th District.

A Resolution to propose an amendment to Article VII, section I, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section I, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The Legislature shall provide that all land in this state shall be located in political subdivisions offering public school instruction for kindergarten through the twelfth grade.The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to provide that all land be located in political subdivisions which offer public school instruction for grades kindergarten through twelve.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Nebraska Municipal Clerks from all over the state; twenty students and Principal from Norris Elementary in Lincoln; nine students and sponsors from Fremont Adventist; approximately 200 members of the Faith Christian Group; Mrs. Hilfrie, Senator Pirsch's mother; and eleven students, teacher, and sponsor from Papillion, Nebraska.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Jacobson, the Legislature adjourned until 9:00 a.m., Thursday, January 19, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 19, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 19, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by H. Ward Hill, Ph.D. Chairman, Division of Humanities, Union College, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Clark, and Hoagland who were excused; and Messrs. Chambers, DeCamp, Goodrich, Haberman, R. Johnson, V. Johnson, Lamb, Newell, Wesely, Mesdames Higgins, Marsh, Morehead, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Tenth Day was approved.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 927	Thursday, January 26, 1984	1:30 p.m.
LB 990	Thursday, January 26, 1984	
LB 989	Thursday, January 26, 1984	
LB 991	Thursday, January 26, 1984	
LB 824	Thursday, January 26, 1984	
LB 871	Thursday, January 26, 1984	
LB 1007	Thursday, January 26, 1984	

(Signed) Rex Haberman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 38A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 475. Title read. Considered.

MR. KAHLE PRESIDING

Standing Committee amendments, AM1593, found in the Journal on page 411 for the Eighth Day were adopted with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 480. Title read. Considered.

Standing Committee amendments, AM1594, found in the Journal on page 365, for the Sixth Day were adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 171. Considered.

Mr. Chambers moved to indefinitely postpone LB 171.

PRESIDENT MCGINLEY PRESIDING

Mr. Chambers moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 12:

Chambers Goll Hannibal Landis Marsh
Newell Nichol Peterson, H. Pirsch Remmers
Von Minden Wesely

Voting in the negative, 26:

Barrett Carsten Chronister DeCamp Fenger
Haberman Harris Hefner Jacobson Johnson, L.

Johnson, R.	Kahle	Kilgarin	Labedz	Lundy
Morehead	Pappas	Peterson, R.	Rupp	Schmit
Scofield	Sieck	Vickers	Wagner	Warner
Withem				

Present and not voting, 6:

Abboud	Beyer	Eret	Higgins	Lamb
McDonald				

Excused and not voting, 5:

Beutler	Clark	Goodrich	Hoagland	Johnson, V.

The Chambers motion to indefinitely postpone lost with 12 ayes, 26 nays, 6 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Barrett	Carsten	Chronister	DeCamp	Fenger
Haberman	Harris	Hefner	Higgins	Jacobson
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Labedz
Lundy	Pappas	Peterson, H.	Peterson, R.	Rupp
Schmit	Scofield	Sieck	Vickers	Wagner
Warner	Withem			

Voting in the negative, 14:

Abboud	Beyer	Chambers	Eret	Goll
Hannibal	Lamb	Landis	McDonald	Morehead
Newell	Nichol	Remmers	Von Minden	

Present and not voting, 3:

Marsh	Pirsch	Wesely

Excused and not voting, 5:

Beutler	Clark	Goodrich	Hoagland	Johnson, V.

Advanced to E & R for Review with 27 ayes, 14 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

NOTICE OF COMMITTEE HEARINGS

Business and Labor

Governor's appointment Robert W. Mullin, Commission of Industrial Relations	Wednesday, February 1, 1984	1:30 p.m.
LB 738	Wednesday, February 1, 1984	1:30 p.m.
LB 739	Wednesday, February 1, 1984	1:30 p.m.
LB 793	Wednesday, February 1, 1984	1:30 p.m.
LB 995	Wednesday, February 1, 1984	1:30 p.m.
LB 829	Wednesday, February 8, 1984	1:30 p.m.
LB 832	Wednesday, February 8, 1984	1:30 p.m.
LB 917	Wednesday, February 8, 1984	1:30 p.m.

(Signed) Bill Barrett, Chairperson

MOTION - Withdraw LB 321

Mr. Newell moved to withdraw LB 321.

Laid over.

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 710. Placed on General File.
LEGISLATIVE BILL 719. Placed on General File.
LEGISLATIVE BILL 733. Placed on General File.

(Signed) Loran Schmit, Chairperson

POINT OF PERSONAL PRIVILEGE

Mr. DeCamp spoke to a point of personal privilege.

RESOLUTION

LEGISLATIVE RESOLUTION 249.

Introduced by Abboud, 12th District; Barrett, 39th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; DeCamp, 40th District; Eret, 32nd District; Fenger, 45th District; Goll, 16th District; Haberman, 44th District; Hannibal, 4th District; Harris, 27th District; Hefner, 19th District; Higgins, 9th District; Jacobson, 33rd District; L. Johnson, 15th District;

R. Johnson, 34th District; Kahle, 37th District; Kilgarin, 7th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Marsh, 29th District; McDonald, 31st District; Morehead, 30th District; Newell, 13th District; Nichol, 48th District; Pappas, 42nd District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Paul H. Belz was a lifelong participant in the effort to improve elementary and secondary education in the state; and

WHEREAS, Mr. Belz earned degrees from Hastings College and Kearney State College and did additional graduate work at the University of Nebraska and the University of Washington; and

WHEREAS, Mr. Belz taught for nine years in Stapleton, Nebraska, served five years as Logan County superintendent, and four years as a staff member of the State Department of Education before beginning a twenty-year career with the Nebraska State Education Association where he began serving as executive secretary in 1974; and

WHEREAS, his death Tuesday, January 17, 1984, resulted in a great loss to his profession and the State of Nebraska as well as his family and friends.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extend its sympathy to the survivors of Paul H. Belz and that a copy of this resolution be presented to his widow Mrs. Alice Belz.
2. That the Legislature take this occasion to recognize the lifelong effort to improve education made by Mr. Belz and to pay grateful tribute to his memory.

Mr. Vickers moved to suspend the rules, Rule 4, Section 6 to permit consideration of LR 249 today.

The motion prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LR 249 was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 775. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 482. E & R amendment, AM5178, found in the Journal on page 354 for the Sixth Day was adopted.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 477. E & R amendment, AM5193, found in the Journal on page 430 for the Ninth Day was adopted.

Mr. Warner offered the following amendment:
AM1685

1. On page 2, line 2, strike "sections 81-8,184 to 81-8,186" and insert "the Professional Landscape Architects Act".
2. Insert the following new section:

"Sec. 15. That section 81-8,208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,208. Sections 81-8,184 to 81-8,208 and sections 1 and 12 to 14 of this act shall be known and may be cited as the Professional Landscape Architects Act.".

3. On page 9, line 24, strike "and"; and in line 25 after "81-8,202," insert "and 81-8,208,".
4. Renumber the remaining sections accordingly.

The Warner amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 477A. E & R amendment, AM5194, found in the Journal on page 431 for the Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 478. E & R amendments, AM5191, found in the Journal on page 431 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 478A. E & R amendments, AM5196, found in the Journal on page 432 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 623. E & R amendments, AM5197, found in the Journal on page 432 for the Ninth Day were adopted.

Mr. Landis offered the following amendment:
AM1682

1. Insert the following new section:

“Sec. 3. That section 32-425, Revised Statutes Supplement, 1982, be amended to read as follows:

32-425. (1) Every primary ballot shall contain the name of every candidate filing under the provisions of sections 32-503.01, 32-514, 32-524, and subdivision (1)(a) of section 32-504, and no other names. The name of a candidate shall not appear on the ballot or any series of ballots at any primary election more than once except for the office of delegate to a national or county convention, and no person shall be eligible to serve in more than one elected office defined in section 32-421.01.

(2) When, at the primary election, two or more of the surnames of candidates for the same office are the same in spelling or sound, the Secretary of State, county clerk, city clerk, election commissioner, or any other public officer upon whom is enjoined the duty of preparing and publishing official ballots, may on the request of any such candidate, print on the ballot immediately below his or her name in not to exceed five words the post office address and occupation of such candidate. The designation thus made shall be set in light face type, capital and lower case letters, of the same size as the name of the candidate is printed.”.

2. On page 5, line 5, after "Clerk" insert "or Election Commissioner".

3. On page 7, strike beginning with the second comma in line 14 through the comma in line 16 and show as stricken; in line 20 after "ballot" insert an underscored colon and strike the comma and show as stricken; and in line 21 strike beginning with "punch" through the colon and show as stricken.

4. On page 9, line 26, after the second "and" insert "any office in".

5. On page 14, line 14, after the semicolon insert "and"; in line 22 after "Petition" insert and unscored period and strike "; and" and show as stricken; in line 23 strike "(c)", show as stricken, and insert "(3)".

6. On page 15, line 6, strike "(i)", show as stricken, and insert "(a)"; in line 8 strike "(ii)", show as stricken, and insert "(b)"; in line 10 strike "(iii)", show as stricken, and insert "(c)"; in line 13 strike "(iv)", show as stricken, and insert "(d)"; and in line 17, strike "(v)", show as stricken, and insert "(e)".

7. On page 16, line 3, strike "(3)", show as stricken, and insert "(4)"; in lines 13, 19, and 21 strike the new matter and reinsert the stricken matter; and in line 22 strike "(5)" and insert "(7)".

8. On page 17, line 2, strike the new matter and reinstate the stricken matter.

9. On page 31, line 15, after the first comma insert "32-425,".

10. Renumber the remaining sections accordingly.

The Landis amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Laid over.

LEGISLATIVE BILL 38. E & R amendment, AM5198, found in the Journal on page 433 for the Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 183. The Presiding Officer ordered to pass over.

LEGISLATIVE BILL 290. E & R amendments, AM5199, found in the Journal on page 433 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 394. E & R amendments, AM5200, found in the Journal on page 433 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 260. Title read. Considered.

Standing Committee amendment, AM0645, found in the Journal on page 882, First Session, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved to indefinitely postpone LB 260.

Laid over.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1014 through 1123 inclusive, and legislative resolutions 247 and 248 for the approval of the Nebraska State Legislature.

LB	**Committee**
1014	Business and Labor
1015	Appropriations
1016	Miscellaneous Subjects
1017	Judiciary
1018	Judiciary
1019	Nebraska Retirement Systems
1020	Government, Military and Veterans Affairs
1021	Revenue

1022	Urban Affairs
1023	Urban Affairs
1024	Government, Military and Veterans Affairs
1025	Government, Military and Veterans Affairs
1026	Special Commonwealth Committee
1027	Special Commonwealth Committee
1028	Special Commonwealth Committee
1029	Education
1030	Education
1031	Banking, Commerce and Insurance
1032	Public Works
1033	Public Works
1034	Appropriations
1035	Education
1036	Education
1037	Revenue
1038	Judiciary
1039	Special Commonwealth Committee
1040	Public Works
1041	Public Health and Welfare
1042	Agriculture and Environment
1043	Education
1044	Education
1045	Judiciary
1046	Judiciary
1047	Public Health and Welfare
1048	Judiciary
1049	Banking, Commerce and Insurance
1050	Judiciary
1051	Education
1052	Banking, Commerce and Insurance
1053	Public Works
1054	Public Works
1055	Public Works
1056	Appropriations
1057	Education
1058	Agriculture and Environment
1059	Agriculture and Environment
LR 247	Constitutional Revision and Recreation
1060	Public Works
1061	Miscellaneous Subjects
1062	Revenue
1063	Public Health and Welfare
1064	Agriculture and Environment
1065	Education

1066	Banking, Commerce and Insurance
1067	Judiciary
1068	Banking, Commerce and Insurance
1069	Banking, Commerce and Insurance
1070	Judiciary
1071	Public Works
1072	Judiciary
1073	Revenue
1074	Education
1075	Miscellaneous Subjects
1076	Banking, Commerce and Insurance
1077	Banking, Commerce and Insurance
1078	Agriculture and Environment
1079	Miscellaneous Subjects
1080	Administrative Rules and Regulations Review
1081	Constitutional Revision and Recreation
1082	Revenue
1083	Agriculture and Environment
1084	Urban Affairs
LR 248	Constitutional Revision and Recreation
1085	Government, Military and Veterans Affairs
1086	Public Health and Welfare
1087	Education
1088	Education
1089	Education
1090	Agriculture and Environment
1091	Judiciary
1092	Constitutional Revision and Recreation
1093	Education
1094	Nebraska Retirement Systems
1095	Judiciary
1096	Miscellaneous Subjects
1097	Education
1098	Education
1099	Business and Labor
1100	Judiciary
1101	Judiciary
1102	Judiciary
1103	Public Health and Welfare
1104	Public Health and Welfare
1105	Banking, Commerce and Insurance
1106	Public Works
1107	Urban Affairs
1108	Public Works
1109	Public Works

1110	Appropriations
1111	Judiciary
1112	Business and Labor
1113	Judiciary
1114	Judiciary
1115	Judiciary
1116	Judiciary
1117	Banking, Commerce and Insurance
1118	Nebraska Retirement Systems
1119	Urban Affairs
1120	Urban Affairs
1121	Judiciary
1122	Judiciary
1123	Revenue

(Signed) Vard Johnson, Chairman
Legislative Council Executive Board

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 686. Placed on General File.
LEGISLATIVE BILL 734. Placed on General File.
LEGISLATIVE BILL 748. Placed on General File.
LEGISLATIVE BILL 896. Placed on General File.

(Signed) Dave Newell, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 723. Placed on General File as amended.
Standing Committee amendment to LB 723:
AM1703

1. On page 3, line 2, after "person" insert a comma and strike "his or her" and insert "such individual's"; and in line 3 strike "to assign such rights or".

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 416 in the Journal. No objections. So ordered.

AM1653

1. Insert the following new sections:

"Sec. 2. That section 71-5901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5901. For the purposes of sections 71-5901 to 71-5909, a boarding home shall mean any facility, place, or building in which is provided for a period exceeding twenty-four consecutive hours to four or more individuals, not related to the owner, occupant, manager, or administrator thereof, who are ~~essentially~~ capable of managing their own affairs, at least two of the following for compensation: (1) Sleeping and other living accommodations; (2) a dining room, cafe, or common kitchen for the use of the individuals in connection therewith; and (3) domestic services~~,~~ requested by the guest. ~~to assist such guest in daily living activities.~~ Boarding home shall not include hotels, motels, ~~or~~ homes operated by religious or fraternal organizations dormitories at educational institutions, whether public or private, or any of the excluded categories listed in section 76-1408.

Sec. 3. That section 71-5902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5902. Boarding homes shall be subject to inspection and licensure by the Department of Health. ~~Such inspection and licensure shall be limited to standards for sanitation, fire prevention, safety, and building and construction codes applicable to and consistent with reasonable community standards for multiple family dwellings.~~ The Department of Health shall adopt, promulgate, and enforce, by rules and regulations, standards governing sanitary conditions and safety in boarding homes and building and construction codes for boarding homes that are applicable to and consistent with reasonable community standards for multiple family dwellings. Prior to licensure by the Department of Health, a boarding home must be inspected and approved as to fire safety by the State Fire Marshal or delegated qualified local fire prevention personnel pursuant to the provisions of section 81-502, in compliance with fire safety standards and rules and regulations adopted, promulgated, and enforced by the State Fire Marshal.".

2. On page 1, line 1, after "ACT" insert

“relating to public health;”, strike “section” and insert “sections” and after the comma insert “71-5901, and 71-5902,”; strike beginning with the second comma in line 2 through “health” in line 3; in line 4 after the semicolon insert “to change provisions relating to boarding homes; to provide for inspections;”; and in line 5 strike “section” and insert “sections”.

3. On page 3, line 4, strike “section” and insert “sections” and after the comma insert “71-5901, and 71-5902,”; and in line 5 strike “is” and insert “are”.

4. Renumber the remaining section accordingly.

Mr. Fenger asked unanimous consent to print the following amendment to LB 416 in the Journal. No objections. So ordered.

AM1692

1. Insert the following new sections:

“Sec. 2. That section 71-6038, Revised Statutes Supplement, 1983, be amended to read as follows:

71-6038. For purposes of sections 71-6038 to 71-6042, unless the context otherwise requires:

(1) Department shall mean the Department of Health;

(2) Care staff member shall mean a nursing assistant who meets the following qualifications: (a) Has attained the age of majority; (b) has completed a basic resident care course which shall be not less than twenty hours and an advanced course which shall be not less than seventy hours, including thirty hours in anatomy, physiology, and advanced therapeutics and forty hours of pharmacology and medication administration; and (c) has received a grade of eighty per cent of higher in an advanced course approved by the department or has successfully completed a course in another state which has been approved by the department. An individual who has been approved by the department as a care staff member shall be retested every three years on medication administration and shall receive a grade of eighty per cent or higher on such test. Individuals who have not worked for a period of three years as an approved care staff member shall complete an approved forty-hour pharmacology and medication administration course and receive a grade of eighty per cent or higher in such

course. To maintain the status of an approved care staff member, such member shall attend, at least quarterly, in-service programs with topics dealing in medications or medication administration; and ~~nurse's aide who has been approved by the nursing home administrator and the department to administer oral and external medication and who has completed the prescribed course of training for care staff members;~~

(3) ~~Nurse's aide~~ Nursing assistant shall mean any person, other than a licensed registered or practical nurse, employed by a nursing home for the purpose of aiding a registered or licensed practical nurse through the performance of nonspecialized tasks related to the personal care and comfort of residents. ~~; and~~

~~(4) Orderly shall mean an employee of the nursing home, other than a registered nurse, licensed practical nurse, care staff member, or nurse's aide, who performs routine or heavy work, but shall not include persons hired by a nursing home for the primary purpose of (a) preparing or aiding in the preparation of meals for residents or (b) maintaining the physical facilities of the nursing home.~~

Sec. 3. That section 71-6039, Revised Statutes Supplement, 1983, be amended to read as follows:

71-6039. No person shall act as a nursing assistant ~~nurse's aide, care staff member, or orderly~~ in a nursing home, unless such person:

(1) Is at least sixteen years of age and has not been convicted of a crime involving moral turpitude;

(2) Is able to speak and understand the English language or a language understood by a substantial portion of the nursing home's residents;

(3) Has successfully completed a current course of training approved by the department for nursing assistants ~~nurse's aides, care staff members, or orderlies~~ not later than January 1, 1984, or within one hundred twenty days of initial employment in the capacity of a nursing assistant ~~nurse's aide, care staff member, or orderly~~ at any nursing home if employment begins after January 1, 1984. The department may prescribe a curriculum for training nursing assistants ~~nurse's aides, care staff members, and orderlies~~ and may adopt and promulgate rules and regulations for such

courses of training. The department may also approve courses of training developed by associations, educational institutions, health care facilities, or other entities so long as such courses of training meet the criteria set out in the rules and regulations adopted and promulgated by the Department of Health. Such courses of training shall include instruction on the responsibility of each nursing assistant ~~nurse's aide, care staff member, or orderly~~ to report suspected abuse or neglect pursuant to section 28-711. Such rules and regulations shall include procedures for nursing homes to carry out approved courses of training within the nursing home. Such rules and regulations shall provide that the prescribed training be administered by a registered nurse. Such courses of instruction shall be no less than twenty hours in duration, and shall include at least fifteen hours of basic personal care training and five hours of basic therapeutic and emergency procedure training. This section shall not prohibit any facility from exceeding the minimum hourly or training requirements.".

2. On page 1, line 1, After "ACT" insert "relating to public health;"; strike beginning with "relating" in line 2 through "health" in line three and insert "and sections 71-6038 and 71-6039, Revised Statutes Supplement, 1983"; in line 4 after the semicolon insert "to define and redefine terms; to harmonize provisions;".

3. On page 3, line 5, strike "is" and insert "and sections 71-6038 and 71-6039, Revised Statutes Supplement, 1983, are".

Mr. Fenger asked unanimous consent to print the following amendment to LB 416 in the Journal. No objections. So ordered.

AM1658

1. Insert the following new sections:

"Section 1. Nothing contained in sections 71-2017 to 71-2029 shall prohibit any rehabilitation or long-term care hospital, as defined in section 71-2017.01 and in any rules and regulations relating to hospital standards adopted and promulgated by the department, from employing care staff members who are authorized to administer oral and external medication.

Sec. 2. For purposes of sections 1 to 6 of this act, unless the context otherwise requires:

(1) Department shall mean the Department of Health; and

(2) Care staff member shall mean an individual who has been approved by the hospital to administer oral and external medication and who has completed the prescribed course of training for care staff members.

Sec. 3. (1) No person shall act as a care staff member, unless such person:

(a) Is at least eighteen years of age and has not been convicted of a crime involving moral turpitude; and

(b) Has successfully completed a current course of training approved by the department for care staff members.

(2) The department may prescribe a curriculum for training care staff members and may adopt and promulgate rules and regulations for such courses of training. The department may also approve courses of training developed by associations, educational institutions, hospitals, or other entities so long as such courses of training meet the criteria set out in the rules and regulations adopted and promulgated by the Department of Health. The courses of training shall include instruction on the responsibility of each care staff member to report suspected abuse or neglect pursuant to section 28- 711. Such rules and regulations shall include procedures for hospitals to carry out approved courses of training within the hospital. The rules and regulations shall provide that the prescribed training be administered by a registered nurse. The courses of instruction shall be no less than ninety hours in duration and shall include at least fifteen hours of basic personal care training and five hours of basic therapeutic and emergency procedure training. This section shall not prohibit any hospital from exceeding the minimum hourly or training requirements.

Sec. 4. All courses, lectures, seminars, course materials, or other instructional programs used to meet the requirements of sections 2 to 7 of this act shall be subject to approval by the department.

Sec. 5. The department may adopt and promulgate such rules and regulations as are necessary for the effective administration of this act.

Sec. 6. The department shall have the

authority to enforce this act and such rules and regulations adopted thereto by any of the following means: Denial, suspension, restriction, or revocation of a hospital's license, refusal of the renewal of a hospital's license, restriction of a hospital's admissions, or any other enforcement provision granted to the department.".

2. On page 1, line 1, after "ACT" insert "relating to public health;"; and strike beginning with the second comma in line 2 through "health" in line 3 and insert "; to define terms; to provide a training program as prescribed".

3. Renumber the remaining sections accordingly.

Mrs. Higgins asked unanimous consent to print the following amendment to LB 416 in the Journal. No objections. So ordered.

Amend the Amendment to LB 416, designated "Am 1658," as follows:
On line 14 after "hospital" insert "and the department"

VISITORS

Visitors to the Chamber were Vernon Schultz from Wisner; Roger Smith, Guy Bechtel, and Earl Cook from Ogallala; 10 members of a Social Work class from Concordia College, Seward; a group of the Homestead Girl Scout Council; Mr. and Mrs. Gene Hansen from Harvard; Mrs. Barbara Todd from Kennard; Jerry Reinhardt from Broken Bow; and James Brison from Scottsbluff.

ADJOURNMENT

At 11:35 a.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Friday, January 20, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 20, 1984

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Senator Howard Peterson.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler and Clark who were excused; and Messrs. Chambers, Goodrich, Haberman, R. Johnson, Newell, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: 249.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 745. Placed on General File.
LEGISLATIVE BILL 746. Placed on General File.

LEGISLATIVE BILL 747. Placed on General File as amended.
Standing Committee amendments to LB 747:
AM1713

1. On page 3, line 7, strike "division", show as stricken, and insert "department"; in line 8 after

“1984” insert “, and paid from funds provided pursuant to Title III of the Social Security Act or funds from other federal sources”; and in line 16 strike “division” and insert “department” and after “1984,” insert “and paid from funds provided pursuant to Title III of the Social Security Act or funds from other federal sources”.

2. On page 4, strike beginning with “Division” in line 8 through “the” in line 9 and show as stricken; and in line 10 after “1984” insert “, and paid from funds provided pursuant to Title III of the Social Security Act or funds from other federal sources” and after “Labor” insert “employed prior to July 1, 1984”.

3. Insert the following new sections:

“Section 1. That section 48-605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-605. ~~There is hereby created in the Department of Labor a division to be known as the Division of Employment which shall be administered by a full- time salaried director who shall be subject to the supervision and direction of the Commissioner of Labor. The division shall be responsible for the discharge of its distinctive functions. The division shall be a separate administrative unit with respect to personnel, budget and duties, except insofar as the commissioner may find that separation is impracticable. The Governor, with the consent of the Legislature, is authorized to appoint, fix the compensation of, and prescribe the duties of the director of this division; Provided, that such appointment shall be made on a nonpartisan merit basis in accordance with the requirements of section 48- 609.~~ The commissioner, for his or her services with respect to the administration of sections 48-601 to 48-669, shall receive the sum fixed by the Governor, payable monthly, to be paid from the Employment Security Administration Fund in addition to the salary of ~~said~~ the commissioner as set out in section 81-103.

Sec. 2. That section 48-606.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-606.01. The commissioner, with the written consent of the Department of Administrative Services, is authorized and empowered to use any funds available under the provisions of either subdivision (a) or (b) of section 48-621, for the purpose of acquiring suitable office space within the corporate limits of the state capital city for the ~~Division of Employment~~ administration of sections 48-601 to 48-669 by purchase, contract, or in any other manner including the right to use such funds or any part thereof to assist in financing the construction of any building erected by the State of Nebraska or any of its agencies wherein available space will be provided for the ~~division~~ department under lease or contract between the commissioner and the State of Nebraska or such other agency whereby the ~~division~~ department will continue to occupy such space rent-free after the cost of financing such building has been liquidated. The commissioner, upon approval by the Department of Administrative Services, is authorized and empowered to use any such funds to acquire suitable office space for local employment offices anywhere in the State of Nebraska.

Sec. 4. That section 48-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-611. The Commissioner of Labor, with the advice and aid of advisory councils, ~~and through the appropriate divisions,~~ shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining, and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the state, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the state in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

Sec. 5. That section 48-662, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-662. The state employment service is hereby established in the ~~Division of Employment of the~~ Department of Labor, State of Nebraska. The commissioner of such department, in the conduct of such service, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of sections 48-601 to 48-669 and for the purpose of performing such functions as are within the purview of the Act of Congress entitled An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes, approved June 6, 1933 (48 Stat. 113; U.S.C.A., title 29, sec. 49 (c)), as amended, herein referred to as the Wagner-Peyser Act. The provisions of the ~~said~~ Act of Congress are hereby accepted by this state, and the Department of Labor is hereby designated and constituted the agency of this state for the purposes of ~~said~~ such act. All money received by this state under the Act of Congress shall be paid into the Employment Security Administration Fund and shall be expended solely for the maintenance of the state system of public employment offices. There shall also be credited to the Employment Security Administration Fund for the same purpose, any sums appropriated by the Legislature from the General Fund of the state for the purposes of maintaining public employment offices or of matching funds granted under the provisions of ~~said~~ the Wagner-Peyser Act. For the purpose of establishing and maintaining free public employment offices, and promoting the use of their facilities, the commissioner is authorized to enter into agreements with the Railroad Retirement Board, or any other agency of the United States, or of this or any other state, charged with the administration of any law whose purposes are reasonably related to the purposes of ~~said~~ such sections, or with any political subdivision of this state or any private nonprofit organization, and as a part of such agreements may accept money, services, or quarters as a contribution to the maintenance of the state system of public employment offices or as reimbursement for services performed. All money received for such purposes shall be paid into the Employment Security Administration Fund.

Sec. 7. This act shall become operative on July 1, 1984.".

4. On page 6, line 20, strike "section" and insert "sections 48-605, 48-606.01," and after "48-609" insert ", 48-611, and 48-662".

5. Renumber original sections 1 and 2, the

first section 3, and the second section 3 as sections 3, 6, 8, and 9, respectively.

LEGISLATIVE BILL 851. Placed on General File as amended.
Standing Committee amendments to LB 851:
AM1714

1. On page 4, line 18, after "department" insert "provided in the Nebraska Job Training Act".
2. On page 5, line 20, strike "department's" and after "duties" insert "and functions of the department provided in the Nebraska Job Training Act".

(Signed) Bill Barrett, Chairperson

MESSAGE FROM THE GOVERNOR

January 3, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Director, Commission on Law Enforcement and Criminal Justice, requiring legislative confirmation:

Merrit Green, Director of Nebraska Crime Commission, Term: 1-3-84. At Pleasure of Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1983 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Upper Big Blue	
Crosby, Guenzel, Davis, Kessner & Kuester (Steve Seglin)	$12,392.38
Leslie Associates	$18,708.40

REPORT

Received report from David Domina and John Miller as Special Counsel to the Special Commonwealth Committee.

GENERAL FILE

LEGISLATIVE BILL 710. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 719. Title read. Considered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp renewed his pending amendment, AM1604, found in the Journal on page 313.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1604, found in the Journal on page 313. No objections. So ordered.

Advanced to E & R for Review with 39 ayes, 1 nay, 4 present and not voting, and 5 excused and not voting.

Mr. Hefner asked unanimous consent to expedite LB 719. No objections. So ordered.

MOTION - Withdraw LB 321

Mr. Newell renewed his pending motion found in the Journal on page 486 to withdraw LB 321.

The Newell motion prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 733. Title read. Considered.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beyer offered the following amendment:
AM1730

1. Insert the following new sections:

“Sec. 5. That section 60-403.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403.07. For the purposes of sections 60-403.06 to 60-403.10, ~~a class C license shall mean a license required for trucks as defined in subdivision (3) of section 60-301, registered for more than twenty-four thousand pounds gross vehicle weight and carrying cargo, and~~ a class CC license shall mean a license required for a truck-tractor as defined in subdivision (7) of section 60-301, registered for more than twenty-four thousand pounds of gross vehicle weight and drawing another vehicle or vehicles that are carrying cargo.

Sec. 6. That section 60-403.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403.08. No ~~class C or~~ class CC license shall be issued until the applicant has appeared before an examiner and (1) satisfied the examiner that he or she meets the general requirements for the operator of a motor vehicle established under section 60-407, and (2) successfully completed an examination which may include the actual operation of such motor vehicle and any other requirement that may be prescribed by the Director of Motor Vehicles for all motor vehicle operator applicants. The Director of Motor Vehicles shall develop a special written test for ~~class C and~~ class CC applicants and shall prescribe the physical requirements for class CC applicants consistent with the standards and requirements of the Bureau of Motor Carrier Safety of the United States Department of Transportation. In addition to any other requirement, each class CC license applicant shall satisfy the examiner that he or she is eighteen years of age or older.

Sec. 7. That section 60-403.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403.09. Anyone holding a class CC license shall be deemed properly licensed to operate ~~as a class C license operator and anyone holding a class CC or a class C license shall be deemed properly licensed to operate~~ a motor vehicle not specifically requiring any type of special licensing requirements. Fees for ~~class C and~~ class CC licenses shall be the same as provided by section 60-409, for motor vehicle operators' licenses.".

2. On page 5, line 23, strike "truck or" and show as stricken; and in line 27 strike "class C or a" and show as stricken.

3. On page 6, strike the new matter in lines 4 to 6; in line 8 strike "truck or" and show as stricken; in line 11 strike "class C or" and show as stricken; in line 12 strike "and" and insert a comma; and in line 13 after the first comma insert "60-403.07, 60-403.08, and 60-403.09,".

4. Renumber remaining sections accordingly.

The Beyer amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Beyer offered the following amendment:
AM1731

1. Insert the following new section:

"Sec. 5. That section 60-403.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403.07. For the purposes of sections 60-403.06 to 60-403.10, a class C license shall mean a license required for trucks as defined in subdivision (3) of section 60-301, registered for more than twenty-four thousand pounds gross vehicle weight and carrying cargo, and a class CC license shall mean a license required for a (1) truck-tractor as defined in subdivision (7) of section 60-301, registered for more than twenty-four thousand pounds of gross vehicle weight and drawing another vehicle or vehicles that are carrying cargo or (2) truck and trailer or semitrailer combination registered as a farm vehicle weighing in excess of 50,000 pounds.".

2. On page 5, strike beginning with "and" in line 15 through "60-330" in line 17 and insert ". For purposes of section 60-403.06, a farm trailer shall be considered a truck and trailer or semitrailer combination".

3. On page 6, line 12, strike "and" and insert a comma; and in line 13 after the comma insert "and 60-403.07,".

4. Renumber the remaining sections accordingly.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beyer moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Beyer requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Beyer
Chambers
Fenger
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
McDonald
Newell
Nichol
Pirsch
Wesely
Withem

Voting in the negative, 27:

Abboud
Barrett
Carsten
Chronister
DeCamp
Eret
Haberman
Hannibal
Hefner
Jacobson
Johnson, L.
Johnson, R.
Kahle
Lamb
Lundy
Pappas
Peterson, H.
Peterson, R.
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner

Present and not voting, 2:

Goll
Higgins

Excused and not voting, 5:

Beutler
Clark
Goodrich
Harris
Morehead

The Beyer amendment lost with 15 ayes, 27 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 35 ayes, 0 nays, 8 present and not

voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Miss Kilgarin asked unanimous consent to print the following amendment to LB 13A in the Journal. No objections. So ordered.

AM1699

1. Strike the original sections and insert new sections as follows:

"Section 1. There is hereby appropriated $755,613 from the General Fund for the period July 1, 1985, to June 30, 1986, to the Supreme Court, for Program 003, to aid in carrying out the provisions of Legislative Bill 13, Eighty-eighth Legislature, Second Session, 1984.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $662,818 for the period July 1, 1985, to June 30, 1986.

Sec. 2. There is hereby appropriated $2,222,753 from the General Fund for the period July 1, 1985, to June 30, 1986, to the Supreme Court, for Program 052, to aid in carrying out the provisions of Legislative Bill 13, Eighty-eighth Legislature, Second Session, 1984.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $1,480,450 for the period July 1, 1985, to June 30, 1986.

Sec. 3. There is hereby appropriated $1,305,504 from the General Fund for the period July 1, 1985, to June 30, 1986, to the District Court, for Program 397, to aid in carrying out the provisions of Legislative Bill 13, Eighty-eighth Legislature, Second Session, 1984.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $1,111,786 for the period July 1, 1985, to June 30, 1986.".

Messrs. Hoagland and Wesely asked unanimous consent to print the following amendment to LB 232 in the Journal. No objections. So ordered.

AM1660

1. Insert the following new section:

“Sec. 3. That section 2-3225, Revised Statutes Supplement, 1982, be amended to read as follows:

2-3225. Each district shall have the power and authority to levy a tax of not to exceed three and five-tenths cents, except a district which encompasses in whole or in part a city of the metropolitan or primary class which shall have the power and authority to levy a tax of not to exceed one and seventy- five hundredths cents, on each one hundred dollars of actual valuation annually on all of the taxable property, except intangible property, within such district unless a higher levy shall be authorized by a majority vote of those voting on the issue at a regular election on a referendum question submitted by resolution of the board of directors and certified to the Secretary of State on or before August 25 of the election year. The proceeds of such tax shall be used, together with any other funds which the district may receive from any source, for the operation of the district. When adopted by the board, the levy shall be certified by the secretary to the county clerk of each county which in whole or in part is included within the district. Such levy shall be handled by the counties in the same manner as other levies, and proceeds shall be remitted to the district treasurer. Such levy shall not be considered a part of the general county levy and shall not be considered in connection with any limitation on levies of such counties.”.

2. On page 9, line 10, strike “section” and insert “sections” and after “2-3218” insert “and 2-3225”.

3. Renumber remaining sections accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 179
January 18, 1984

Re: Training for care staff members, nurse's aides and orderlies employed in nursing homes.

Dear Senator Higgins:

At your request we have reconsidered our opinion to the Department of Health on June 22, 1983, that it may not require training courses of more than 20 hours in duration for nurse's aides, care staff members and orderlies. We have concluded it can, within the limitations discussed below.

Since a care staff member is defined in both Laws 1983, LB 235, sec. 2, and LB 273, sec. 1(2) as one approved not only by the nursing home administrator but also by the Department of Health to administer oral medication, we viewed this as the licensing of an occupation for which the Legislature itself had to set the qualifications. Thus the minimum of 20 hours of training the Legislature set as necessary to protect the public from such practitioners was also the maximum.

However, we have now determined that the above bills do not involve the licensing of care staff members, nurse's aides and orderlies, but the licensing of nursing homes. Training requirements for such staff members are not enforced by actions against the staff members, but by actions against the licenses of the nursing homes employing them. In such a situation the Legislature can delegate to the Department of Health the authority to specify staff qualifications so long as the Legislature specifies guidelines for doing so. Since such staff members must complete a current course of training within 120 days of initial employment, it follows that this is the maximum period of training that can be required of them. Within those time limits, the amount of training that can actually be required for care staff members, nurse's aides and orderlies will depend on the amount of training that will cover the required subjects and be reasonably related to ensuring competent performance by persons in each of those staff positions.

In conclusion, the Department of Health may adopt and promulgate rules and regulations prescribing a course of training for nurse's aides, care staff members and orderlies which may not be less than 20 hours in duration and may not be more than 120 days in duration.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 643. Placed on General File.
LEGISLATIVE BILL 754. Placed on General File.
LEGISLATIVE BILL 774. Placed on General File.

(Signed) John DeCamp, Chairperson

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 649	Tuesday, January 31, 1984	1:30 p.m.
LB 731	Tuesday, January 31, 1984	1:30 p.m.
LB 728	Tuesday, January 31, 1984	1:30 p.m.
LB 737	Tuesday, January 31, 1984	1:30 p.m.
LB 758	Tuesday, January 31, 1984	1:30 p.m.
LB 732	Wednesday, February 1, 1984	1:30 p.m.
LB 813	Wednesday, February 1, 1984	1:30 p.m.
LB 932	Wednesday, February 1, 1984	1:30 p.m.
LB 937	Wednesday, February 1, 1984	1:30 p.m.

(Signed) Calvin Carsten, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 444. Placed on General File.
LEGISLATIVE BILL 664. Placed on General File.

LEGISLATIVE BILL 47. Indefinitely postponed.

LEGISLATIVE RESOLUTION 70. Indefinitely postponed.

LEGISLATIVE BILL 172. Indefinitely postponed.
LEGISLATIVE BILL 364. Indefinitely postponed.
LEGISLATIVE BILL 491. Indefinitely postponed.
LEGISLATIVE BILL 674. Indefinitely postponed.
LEGISLATIVE BILL 691. Indefinitely postponed.
LEGISLATIVE BILL 753. Indefinitely postponed.
LEGISLATIVE BILL 834. Indefinitely postponed.

(Signed) Calvin Carsten, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Rupp asked unanimous consent to have his name added as co-introducer to LB 1117. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 733. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 19, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Anderson, Dorothy C. - Lincoln, (Withdrawn 11/18/83), Nebraska Republican Party
Barry, LeRoy - Omaha, (deceased), Iowa-Nebraska Farm Equipment Association
Bauer, Rosemary - Lincoln, Horsemen Benevolent Protective Association
Bell, Robert W. - Omaha, Metropolitan Utilities District
Belz, Paul - Lincoln, (deceased), Nebraska State Education Association
Boucher, Richard L. - Lincoln, Nebraska County Attorneys Association
Brashear, Kermit A., II - Omaha, Nebraska Republican Party
Clark, Jerry L., - Lyons, Association of Nebraska Community Action Agencies
Clarke, Ronald K. - Hazelwood, MO, Household International, Inc.
Dennis, Michael E. - Lincoln, Nebraska Wildlife Federation Western Nebraska Resources Council
Erickson & Sederstrom, P.C.:
  Thone, Charles - Lincoln, (Withdrawn 1/18/84), Computer Sales Tax Committee; (Withdrawn 1/17/84), Nebraska Land Title Association; (Withdrawn 1/18/84), Small Property Owners Association
Hackendahl, R. H. - Lincoln, (Withdrawn 1/16/84), Associated Builders & Contractors
Hansen, Allan W. - Fremont, Nebraska Educational Service Unit Administrators Association
Jordison, John-Council Bluffs, IA, Peoples Natural Gas Company
Kading, Bradley L. - Schaumburg, ILL, Alliance of American Insurers
Kunz, David N. - Lincoln, (Withdrawn 1/1/84), Flex-O-Lite, Division Lukens General Industries; (Withdrawn 1/1/84), Nebraska Lodging Association
Lombardi, Richard - Lincoln, Nebraska Cable Communications Association
Luedtke, Roland A. - Lincoln, (Withdrawn 7/14/83), Nebraska

District Judges Association

Moors, H. Jack - Lincoln, Anheuser-Busch Companies; Nebraska Corn Growers Association

Moylan, James H. - Omaha, Heritage Concepts Management Co.

Parker, David R. - Lincoln, (Withdrawn 1/18/84), First Savings Company of Norfolk

Ryan, James E. - Lincoln, (Withdrawn 12/31/83), Nebraskans for Fair Business Taxation; KN Energy, Inc. formerly Kansas-Nebraska Natural Gas Company, Inc.

Sandman, Roger - Lincoln, (Withdrawn 12/31/83), The Tobacco Institute

Squire, DeCourcy L. - Lincoln, (Withdrawn 6/1/83), Nebraskans Against the Death Penalty

Sturner, Peter C. - Lincoln, Nebraska State Volunteer Firefighters Association

Treadway, Tom - Austin, TX, American Telephone & Telegraph Company and associated or affiliated companies

Wall, Sue Ellen - Lincoln, (Withdrawn 1/17/84), Nebraska Coalition for Women

Weaver, Walter D. - Plattsmouth, (Withdrawn 1/16/84), Allied Chemical Company; (Withdrawn 1/16/84), Cominco American Incorporated; (Withdrawn 1/16/84), Farmland Industries, Inc.

Wheeler, Stuart L. - Hastings, KN Energy, Inc. formerly Kansas-Nebraska Natural Gas Company, Inc.

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 734. Title read. Considered.

MR. KAHLE PRESIDING

Advanced to E & R for Review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 748. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 896. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

PRESIDENT MCGINLEY PRESIDING

LEGISLATIVE BILL 723. Title read. Considered.

Standing Committee amendment, AM1703, found in the Journal on page 494 for the Eleventh Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 130. Considered.

Mr. Haberman renewed his pending motion to indefinitely postpone LB 130.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman requested a roll call vote on his motion to indefinitely postpone LB 130.

Voting in the affirmative, 18:

Abboud
Barrett
Carsten
Fenger
Goll
Haberman
Hefner
Jacobson
Johnson, L.
Johnson, R.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Von Minden
Wagner

Voting in the negative, 19:

Chambers
DeCamp
Goodrich
Hannibal
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Newell
Pappas
Rupp
Schmit
Vickers
Wesely
Withem

Present and not voting, 6:

Beyer
Chronister
Eret
Higgins
Pirsch
Sieck

Excused and not voting, 6:

Beutler Clark Harris Morehead Scofield
Warner

The Haberman motion lost with 18 ayes, 19 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 471.

The DeCamp amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1698, found in the Journal on page 471. No objections. So ordered.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Haberman requested a roll call note on the advancement of the bill.

Voting in the affirmative, 25:

Beyer Chambers Chronister DeCamp Eret
Goodrich Hannibal Harris Hoagland Johnson, V.
Kilgarin Labedz Landis Lundy Marsh
McDonald Newell Nichol Pappas Pirsch
Rupp Schmit Vickers Wesely Withem

Voting in the negative, 18:

Abboud Barrett Carsten Fenger Goll
Haberman Hefner Jacobson Johnson, L. Johnson, R.
Kahle Lamb Peterson, H. Peterson, R. Remmers
Sieck Von Minden Wagner

Present and not voting, 1:

Higgins

Excused and not voting, 5:

Beutler Clark Morehead Scofield Warner

Advanced to E & R for Review with 25 ayes, 18 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

MR. KAHLE PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 719. Placed on Select File.

LEGISLATIVE BILL 13. Placed on Select File as amended.
(E & R amendments to LB 13 printed separate from the Journal and on file in the Clerk's Office-AM5201.)

LEGISLATIVE BILL 56. Placed on Select File as amended.
E & R amendments to LB 56:
AM5202

1. Because of the amendment of section 53-103 by Laws 1983, LB 213, section 2, strike original section 2 and insert the following new section:

"Sec. 2. That section 53-103, Revised Statutes Supplement, 1983, be amended to read as follows:

53-103. Unless the context otherwise requires, the definitions given in this section shall apply in all cases where any one of the defined terms appears in sections 53-101 to 53-124.10, 53-124.11, and 53-125 to 53-1,118.

(1) This act shall be construed as referring exclusively to such ~~said~~ sections.

(2) Alcohol shall mean the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and shall include synthetic ethyl alcohol. It shall not include denatured alcohol or wood alcohol.

(3) Spirits shall mean any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and shall include brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended, or otherwise

mixed with alcohol or other substances.

(4) Wine shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

(5) Beer shall mean a beverage obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and shall include, among other things, beer, ale, stout, lager beer, near beer, porter, and the like.

(6) Alcoholic liquor shall include the four varieties of liquor above defined, alcohol, spirits, wine, and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer, and capable of being consumed as a beverage by a human being. The provisions of this act shall not apply to (a) alcohol used in the manufacture of denatured alcohol produced in accordance with acts of Congress and regulations promulgated thereunder, (b) flavoring extracts, syrups, or medicinal, mechanical, scientific, culinary, or toilet preparations, or food products unfit for beverage purposes, but shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation, or compounding of such products, or (c) wine intended for use and used by any church or religious organization for sacramental purposes.

(7) Original package shall mean any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container whatsoever, used, corked or capped, sealed, and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

(8) Manufacturer shall mean every brewer, fermenter, distiller, rectifier, winemaker, blender, processor, bottler, or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying, or bottling alcoholic liquors as above defined, including a wholly owned affiliate or duly authorized agent for a manufacturer.

(9) Nonbeverage user shall mean every manufacturer of any of the products set forth and described in section 53-160, when the same contains

alcoholic liquor, and all laboratories, hospitals, and sanatoria using alcoholic liquor for nonbeverage purposes.

(10) Manufacture shall mean to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle, or fill an original package with any alcoholic liquor, and shall include blending but shall not include the mixing or other preparation of drinks for serving by those persons authorized and permitted in this act to serve drinks for consumption on the premises where sold.

(11) Distributor, distributorship, wholesaler, or jobber shall mean the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquors for sale or resale to retailers licensed under this act, whether the business of the distributor, distributorship, wholesaler, or jobber is conducted under the terms of a franchise or any other form of an agreement with a manufacturer or manufacturers, or has caused alcoholic liquors to be imported into the state or purchased in the state from a manufacturer or manufacturers and was licensed to conduct such a business by the commission on May 1, 1970, or has been so licensed since that date.

(12) Person shall mean any natural person, trustee, corporation, or partnership.

(13) Retailer shall mean a person who sells, or offers for sale, alcoholic liquors for use and consumption and not for resale in any form.

(14) Sell at retail and sale at retail shall refer to and mean sales for use or consumption and not for resale in any form.

(15) Commission shall mean the Nebraska Liquor Control Commission.

(16) Sale shall mean any transfer, exchange, or barter in any manner or by any means whatsoever for a consideration, and shall include all sales made by any person, whether principal, proprietor, agent, servant, or employee.

(17) To sell shall mean to solicit or receive an order for, to keep or expose for sale, or to keep with intent to sell.

(18) Restaurant shall mean any public place kept, used, maintained, advertised, and held out to the

public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

(19) Club shall mean a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used, and maintained by its members through the payment of annual dues, and owning, hiring, or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and their guests. Such club shall file with the local governing body at the time of its application for a license under this act two copies of a list of names and residences of its members, and similarly shall file within ten days of the election of any additional member his or her name and address. The affairs and management of such club shall be conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting, and no member or any officer, agent, or employee of the club shall be paid, or shall directly or indirectly receive, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members other than the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

(20) Hotel shall mean every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which twenty-five or more rooms are used for the sleeping

accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

(21) Nonprofit corporation shall mean a corporation, whether located within any incorporated city or village or not, organized under the laws of this state, not for profit, and which has been exempted from the payment of federal income taxes.

(22) Bottle club shall mean an operation, whether formally organized as a club having a regular membership list, dues, officers, and meetings or not, keeping and maintaining premises where persons who have made their own purchases of alcoholic liquors congregate for the express purpose of consuming such alcoholic liquors upon the payment of a fee or other consideration, including among other services the sale of foods, ice, mixes, or other fluids for alcoholic drinks and the maintenance of space for the storage of alcoholic liquors belonging to such persons and facilities for the dispensing of such liquors through a locker system, card system, or pool system, which shall not be deemed or considered a sale of alcoholic liquor. Such operation may be conducted by a club as defined in subdivision (19) of this section~~,~~ or an individual, partnership, or corporation. An accurate and current membership list shall be maintained upon the premises which contains the names and residences of its members. Nothing in this section shall be deemed to make unlawful the sale of alcoholic liquors for consumption on the premises to any person who is not a current member of such bottle club.

(23) Minor shall mean any person, male or female, under twenty-one ~~twenty~~ years of age, regardless of marital status, except that any person who was ~~nineteen~~ twenty years of age or older on the operative date of this act ~~July 19, 1980,~~ shall not be deemed to be a minor.

(24) Brand shall mean alcoholic liquors which are identified as the product of a specific manufacturer.

(25) Franchise or agreement, when used with

reference to the relationship between a manufacturer and distributor, shall include one or more of the following: (a) A commercial relationship of a definite duration or continuing indefinite duration which is not required to be in writing; (b) the relationship whereby the franchisee is granted the right to offer and sell brands thereof by the franchisor; (c) the relationship whereby the franchise, as an independent business, constitutes a component of the franchisor's distribution system; (d) the operation of the franchisee's business is substantially associated with the franchisor's brand, advertising, or other commercial symbol designating the franchisor; and (e) the operation of the franchisee's business is substantially reliant on the franchisor for the continued supply of beer.

(26) Franchisor shall have the same meaning as the term manufacturer as defined in subdivision (8) of this section.

(27) Franchisee shall have the same meaning as the terms distributor, distributorship, wholesaler, or jobber as defined in subdivision (11) of this section.

(28) Territory or sales territory shall mean the franchisee's or distributor's area of sales responsibility for the brand or brands of the manufacturer.

(29) Price shall mean the maximum price per case or per container if sold in broken case lots to the retail licensee contained in the applicable schedules or amendments filed with the commission pursuant to sections 53-168.02 and 53-168.03 by the wholesaler, distributor, or manufacturer for the twelve-month period immediately preceding the latest filing of such schedules or amendments.

(30) Suspend shall mean to cause a temporary interruption of all rights and privileges of a license.

(31) Cancel shall mean to discontinue all rights and privileges of a license.

(32) Revoke shall mean to permanently void and recall all rights and privileges of a license.

(33) Generic label shall mean a label, which is not protected by a registered trademark, either in whole or in part, nor to which any person has acquired a right therein either pursuant to state or federal statutory or common law.

(34) Private label shall mean a label which

the purchasing distributor, wholesaler, retailer, or bottle club licensee has protected, in whole or in part, by a trademark registration or which the purchasing distributor, wholesaler, retailer, or bottle club licensee has otherwise protected pursuant to state or federal statutory or common law.

(35) Beneficial interest shall mean an interest which will result in a direct profit, a direct risk of loss of profit, an ownership or share of ownership with or without legal title or claim of ownership, or a resulting right to use and enjoy the privileges according to one's own liking or so as to derive a direct profit or direct risk of loss.".

2. On page 1, line 1, after "ACT" insert "relating to liquor;" and strike "53-103,"; in line 2 strike "and", after the first comma insert "and 53-180.05,", and after the last comma insert "and section 53-103, Revised Statutes Supplement, 1983"; and in line 3 strike "relating to liquor".

3. On page 2, line 10, after "cider" insert an underscored comma.

4. On page 16, line 10, strike "53-103,"; and in line 11 strike "and", after "53-180.04," insert "and 53-180.05,", and after the last comma insert "1982, and section 53-103, Revised Statutes Supplement, 1983,".

LEGISLATIVE BILL 633. Placed on Select File as amended.
E & R amendment to LB 633:
AM5203

1. On page 2, line 3, strike "existence on" and insert "effect prior to, on, or after"; and strike beginning with "and" in line 4 through "statutes" in line 5.

LEGISLATIVE BILL 634. Placed on Select File.
LEGISLATIVE BILL 635. Placed on Select File.
LEGISLATIVE BILL 636. Placed on Select File.
LEGISLATIVE BILL 637. Placed on Select File.
LEGISLATIVE BILL 638. Placed on Select File.
LEGISLATIVE BILL 639. Placed on Select File.
LEGISLATIVE BILL 640. Placed on Select File.
LEGISLATIVE BILL 641. Placed on Select File.

LEGISLATIVE RESOLUTION 1. Placed on Select File as amended.
E & R amendments to LR 1:
AM5204

Because of page and line number differences between the resolution as introduced and the green copy, all amendments are to the green copy.

1. On page 1, line 4, strike “FIRST” and insert “SECOND”.

2. On page 2, line 8, strike “four year” and insert “four-year”.

LEGISLATIVE BILL 590. Placed on Select File as amended.
E & R amendment to LB 590:
AM5205

1. On page 1, line 5, after the semicolon insert “to define terms;”.

LEGISLATIVE BILL 283. Placed on Select File as amended.
E & R amendments to LB 283:
AM5206

1. On page 1, line 5, after the semicolon insert “to eliminate certain provisions relating to the release of certain information to adopted persons;”; in line 6 after “to” insert “43-127 and 43-129 to”; and in line 7 after “1982” insert “, and section 43-128, Revised Statutes Supplement, 1983”.

2. On page 4, line 7, after “except” insert “(a)”; in line 8 after the underscored comma insert “(b)”; and in line 9 after “or” insert “(c)”.

3. On page 5, line 1, after “to” insert “43-127 and 43-129 to” and after “1982” insert “, and section 43-128, Revised Statutes Supplement, 1983”.

LEGISLATIVE BILL 79. Placed on Select File as amended.
E & R amendments to LB 79:
AM5207

1. On page 1, line 1, after “ACT” insert “relating to sexual assault;”, after “sections” insert “27-404,”, and strike “to 28-320” and insert “, and 28-321”; strike beginning with the second comma in line 2 through the first “to” in line 5 and insert “; to define the crime of”; in line 6 after the semicolon insert “to define and redefine terms; to eliminate certain provisions relating to evidence of past sexual conduct;”; and in line 8 strike “28-321 to” and insert “28-322”.

2. In lieu of the Beutler and Landis amendments adopted January 16, 1984, in the Standing Committee amendments, AM0614, on page 1, line 5, strike

"ten" and insert "fourteen".

(Signed) Rod Johnson, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB's 710 and 719.

(Signed) Rex Haberman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 681. Placed on General File.

(Signed) John DeCamp, Chairperson

Revenue

LEGISLATIVE BILL 795. Placed on General File as amended.
Standing Committee amendments to LB 795:
AM1657

1. On page 2, lines 19, 20, 21, and 26, reinstate the stricken matter.

2. On page 3, lines 1, 4, and 6, strike the new matter and reinstate the stricken matter; and in lines 2, 5, and 7 reinstate the stricken matter.

3. On page 4, line 18, after "partnership" insert "not subject to subdivision (5) of this section".

LEGISLATIVE BILL 796. Placed on General File as amended.
Standing Committee amendment to LB 796:
AM1708

1. On page 3, line 12, after "sold" insert "under a doctor's prescription".

(Signed) Calvin Carsten, Chairperson

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 946. Placed on General File.

(Signed) Elroy Hefner, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 1017	Wednesday, February 1, 1984	1:30 p.m.
LB 1018	Wednesday, February 1, 1984	1:30 p.m.
LB 1038	Wednesday, February 1, 1984	1:30p.m.
LB 1045	Wednesday, February 1, 1984	1:30p.m.
LB 965	Monday, February 6, 1984	1:30 p.m.
LB 1100	Monday, February 6, 1984	1:30p.m.
LB 1111	Monday, February 6, 1984	1:30p.m.
LB 1115	Monday, February 6, 1984	1:30p.m.
LB 987	Tuesday, February 7, 1984	1:30 p.m.
LB 988	Tuesday, February 7, 1984	1:30p.m.
LB 784	Tuesday, February 7, 1984	1:30p.m.
LB 972	Wednesday, February 8, 1984	1:30 p.m.
LB 973	Wednesday, February 8, 1984	1:30p.m.
LB 974	Wednesday, February 8, 1984	1:30p.m.
LB 986	Wednesday, February 8, 1984	1:30p.m.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

AM1696

1. On page 5, line 22, after “a” insert “public”; strike beginning with “under” in line 22 through “by” in line 23, show as stricken, and insert “district or a private, denominational, or parochial school which has met the requirements for legal operation prescribed in”.

2. On page 7, line 16, after “schools” insert “which have met the requirements for legal operation prescribed in Chapter 79”.

3. On page 10, strike beginning with “and” in line 3 through “shall” in line 6 and insert “, approval, and registration of all schools as a condition for legal operation in the state. Such accreditation and approval standards and procedures may”; in line 12 strike the comma, show as stricken, and insert an underscored period; strike beginning with “and” in line 13 through “rules” in line 15 and insert “Accreditation

requirements shall be consistent with the provisions and intent of section 79-1247.02. Rules"; in lines 17 and 23 after "nonaccredited" insert "and nonapproved"; in line 18 after "schools" insert "shall be"; and in line 23 after "nonaccredited" insert "and nonapproved".

4. On page 11, line 2, strike "(e)" and insert "(d)"; in line 11 strike "(f)" and insert "(e)"; in line 16 after "for" insert "the"; in line 17 strike "each public school system" and insert "Nebraska schools"; in line 18 strike "(g)" and insert "(f)"; in line 22 strike "(h)" and insert "(g)"; and in line 26 strike "(i)" and insert "(h)".

5. On page 12, line 2, strike "(j)" and insert "(i)".

6. On page 21, line 12, strike beginning with "public" through "parochial", show as stricken, and insert "accredited or approved"; and strike beginning with "Public" in line 20 through "parochial" in line 21, show as stricken, and insert "Accredited or approved".

7. On page 22, line 3, after the period begin a new paragraph and insert "(3)"; and strike beginning with "nonaccredited" in line 4 through "schools" in line 5 and insert "registered schools, as defined in sections 79-328 and 79-1701,".

8. On page 31, line 15, after "limited" insert "to"; and in line 16 strike "to".

9. On page 32, line 27, strike "adivsory" and insert "advisory".

10. On page 39, line 27, strike "state operated" and insert "state-operated".

11. On page 40, line 27, before "All" insert

"(1) All accredited or approved private, denominational, and parochial schools in the State of Nebraska and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as such laws apply to grades, qualifications, and certification of teachers and promotion of pupils. All accredited or approved private, denominational, and parochial schools shall have adequate equipment and supplies, and shall be graded the same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

(2)".

12. On page 41, line 2, after "accreditation" insert "or approval"; in line 3 strike "as nonaccredited schools"; strike beginning with "Each" in line 16 through "met" in line 18 and insert "Individuals employed by such registered schools shall demonstrate competency to teach by (a) meeting"; in line 19 strike "(2) received" and insert "(b) receiving"; and in line 22, strike "(3) received" and insert "(c) receiving".

13. On page 42, strike beginning with "All" in line 5 through the period in line 18 and show the old matter as stricken.

14. Strike original section 18 and insert the following new section:

"Sec. 18. Upon receipt of a complaint from a county attorney, county superintendent, superintendent of schools, diocesan representative, or a representative of the State Department of Education stating that there is probable cause to believe that any registered nonaccredited school is engaged in activities which are resulting or will likely result in physical or mental harm or abuse to students enrolled in such school, the Commissioner of Education shall cause an immediate investigation to be conducted and a report made to the State Board of Education. An opportunity for a public hearing shall be made available to such school upon request pursuant to Chapter 84, article 9. The State Board of Education may request the Attorney General to take action to close such school upon a determination that physical or mental harm to students is occurring or is about to occur at such school.".

15. On page 43, line 27, strike "nonaccredited".

16. On page 47, line 14, before "educational" insert "The".

17. On page 49, line 18, strike "79-1706,".

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 416. E & R amendment, AM5181, found in the

Journal on page 359 for the Sixth Day was adopted.

Mr. Fenger renewed his pending amendment, AM1653, found in the Journal on page 494.

The Fenger amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Fenger renewed his pending amendment, AM1692, found in the Journal on page 496.

The Fenger amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Fenger renewed his pending amendment, AM1658, found in the Journal on page 498.

Mrs. Higgins renewed her pending amendment found in the Journal on page 500 to the pending Fenger amendment.

The Higgins amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Fenger amendment was adopted, as amended, with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chronister offered the following amendment:
Amend the amendment to LB 416, AM1692:
1. On page 1, line 11, strike "~~majority~~", and insert "eighteen".
2. Attach an emergency clause to LB 416.

The Chronister amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 416A. E & R amendments, AM5182, found in the Journal on page 359 for the Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 276. E & R amendments, AM5192, found in the Journal on page 417 for the Eighth Day were adopted.

Mrs. Marsh and Mr. Hoagland offered the following amendment:
AM1720

1. On page 4, line 8, strike "in support of", show as stricken, and insert "for a temporary restraining order by making a showing of".

2. In the committee amendments on page 1, line 8, strike ", after which the" and insert ". Such hearing shall be scheduled within seventy-two hours of the issuance of the temporary restraining order. The".

The Marsh-Hoagland amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

Messrs. R. Johnson, Pappas, Hannibal, Barrett, R. Peterson, and Withem asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 623. Mr. Chambers offered the following amendment:
Strike the Labedz amendment adopted January 10, 1984.

Mr. Chambers asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 835. Placed on General File as amended.
Standing Committee amendments to LB 835:
AM1705

1. On page 3, line 3, strike "25" and insert "20".

2. On page 6, line 27, strike "ten", show as stricken, and insert "thirty".

3. On page 7, line 8, strike "ten", show as stricken, and insert "thirty"; in line 9 strike "and", show as stricken, and insert ". The county clerk" and after "assessor" insert "and the taxpayer"; in line 10 strike "its", show as stricken, and insert "the board's"; strike beginning with the period in line 10 through the comma in line 13 and show the old matter as stricken; in line 13 before "that" insert "and"; strike beginning with the comma in line 15 through "77-1320.05" in line 17 and show the old matter as stricken; and in

lines 23 and 25 strike the new matter and reinstate the stricken matter.

4. On page 13, strike beginning with "If" in line 2 through the underscored comma in line 3 and show the old matter as stricken; in line 4 strike "appeal", show as stricken, and insert "Appeal"; and in line 5 strike "twenty", show as stricken, and insert "thirty".

(Signed) Calvin Carsten, Chairperson

Government, Military & Veterans Affairs

LEGISLATIVE BILL 663. Placed on General File as amended.
Standing Committee amendment to LB 663:
AM1727

1. On page 4, line 3, strike "or" and insert "and".

LEGISLATIVE BILL 648. Indefinitely postponed.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Schmit asked unanimous consent to have his name added as co-introducer to LB 694. No objections. So ordered.

Messrs. V. Johnson, Newell, Fenger, Withem, Schmit, Hannibal, Lundy, Hoagland, Mesdames Higgins, Labedz, Pirsch, and Miss Kilgarin asked unanimous consent to add their names as co-introducers to LB 908. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mr. & Mrs. Grayston Cool of Callaway.

ADJOURNMENT

At 12:15 p.m., on a motion by Mr. McDonald, the Legislature adjourned until 9:00 a.m., Monday, January 23, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 23, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 23, 1984

Pursuant to adjournment, the Legislature met at 9:05 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Kahle and Warner who were excused; and Messrs. Abboud, Carsten, Chambers, Chronister, Fenger, Haberman, Hoagland, R. Johnson, V. Johnson, Newell, Rupp, Sieck, Wagner, Mesdames Marsh and Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

REPORTS

Received from Auditor of Public Accounts the following audits ending December 31, 1983:

Nebraska State Patrol- Drug Control Cash Fund, Nebraska Policy Research Office, Department of Correctional Services, Nebraska Oil and Gas Conservation Commission, State Electrical Board, Nebraska Wheat Development, Utilization and Marketing Board, Commission of Industrial Relations, Department of Banking and Finance, Nebraska Brand Committee, Military Department, Nebraska Educational Television Commission, Nebraska Equal Opportunity Commission, Nebraska Motor Vehicle Industry Licensing Board, Board of Pardons, Department of Water Resources, Department of Public Institutions, Nebraska Supreme Court, Nebraska Natural

Resources Commission, Nebraska Public Service Commission, Nebraska Game and Parks Commission, Department of Labor, Department of Public Welfare, Nebraska Gasohol Committee, and Board of Examiners for Landscape Architects.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 278. Placed on Select File as amended.
E & R amendments to LB 278:
AM5208

Because of page and line number differences between the bill as introduced and the green copy, all amendments are to the green copy.

1. On page 1, line 9, after "ACT" insert "relating to insurance;"; strike beginning with the second comma in line 10 through "insurance" in line 11; and in line 13 strike "a term" and insert "terms".

2. On page 3, line 17, strike the comma.

LEGISLATIVE BILL 527. Placed on Select File as amended.
E & R amendment to LB 527:
AM5209

1. On page 1, strike beginning with "harmonize" in line 3 through "and" in line 4 and insert "eliminate provisions relating to the disposition of certain money;"; and in line 6 after "1943" insert "; and to declare an emergency".

LEGISLATIVE BILL 481. Placed on Select File as amended.
(E & R amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM5210.)

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 670. Placed on General File.
LEGISLATIVE BILL 969. Placed on General File.
LEGISLATIVE BILL 976. Placed on General File.
LEGISLATIVE BILL 977. Placed on General File.

LEGISLATIVE BILL 779. Indefinitely postponed.

(Signed) Rex Haberman, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 9, 49, 189, 368, 373, and 492.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 49

The following changes, required to be reported for publication in the Journal, have been made:
ER0138
1. In the Standing Committee amendments, AM0138, on page 2, line 10, the underscored comma has been stricken.

2. On page 5, line 22, "Statute" has been stricken and "Statutes" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 180
January 19, 1984

Dear Senator R. Johnson:

Your letter dated December 28, 1983, to Mr. Douglas has been referred to the undersigned. In that letter you requested an opinion from this office regarding the constitutionality of a bill providing for contractual fire protection of state owned property located in a rural or suburban fire protection district by a rural or suburban fire district. This bill is an amendment to Neb.Rev.Stat. §35-508(11) (1982 Supp.) which now provides for contractual fire protection of the Game and Parks Commission's property located within the district. The amendment also makes minor language changes to Neb.Rev.Stat. §35-508 (1982 Supp.).

There are two possible interpretations of the bill's provisions regarding contractual fire protection of state owned property by a fire district. Under one interpretation, the bill's provisions regarding contractual fire protection of state property are unconstitutional. Although no legal infirmities of a constitutional nature exist under the second interpretation, there are significant legal impediments to the enforcement of such contracts.

This office has consistently taken the position that rural and suburban fire districts have a legal obligation to protect state property within their districts regardless of whether taxes are paid by the state to support the district. In fact, the property of the state and its governmental subdivisions are expressly exempted from taxation by virtue of Article VIII, Section 2 of the Nebraska Constitution. If this bill is interpreted as authorizing rural and suburban fire districts to condition fire protection of state property on the existence of a contract between the state agency and the rural or suburban fire district in question, the bill is unconstitutional because it amounts of an unlawful attempt to tax state property in violation of Article VIII, Section 2 of the Nebraska Constitution. The bill would allow the district's board of directors to do indirectly what it may not do directly — levy taxes on state property.

If the bill is interpreted as authorizing state agencies to voluntarily enter into contracts with rural and suburban fire districts for the fire protection of state property and as requiring the districts to provide fire protection of such property whether or not a fire protection contract exists, then the bill is not constitutionally infirm. However, other significant legal barriers could prevent its enforcement. A necessary prerequisite to the existence and thus the enforceability of any contract is that consideration has been exchanged between the parties. In re Allen's Estate, 147 Neb. 909, 25 N.W.2d 757 (1947). A promise to do what the promisor is already legally bound to do is insufficient consideration to support a contract. Esterly Harvesting Machine Co. v. Pringle, 41 Neb. 265, 59 N.W. 804 (1894), 17 Am.Jur.2d §§119, page 465. In an action by a fire district to compel a state agency to pay the contract price for fire protection, the fire district would probably be unsuccessful on the ground that there was not an enforceable contract between the parties. In other words, the court would probably hold that since the fire district had a legal obligation to protect state property, the contract to provide fire protection fails for want of consideration and is unenforceable.

The remaining language changes which the amendment seeks to make in Neb.Rev.Stat. §35-508 (1982 Supp.) pose no discernible constitutional problems.

If you have any questions, please contact the undersigned.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Michaela M. White
Assistant Attorney General

MMW:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1983 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Nemaha	
Steven Seglin (Crosby, Guenzel, et all)	5,033.97
Nestor, Mercure, Tecumseh	956.50

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 658. No objections. So ordered.

Mr. Jacobson asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 420. Considered.

Mr. Beutler asked unanimous consent to withdraw his pending amendment, AM1637, found in the Journal on page 360. No objections. So ordered.

Messrs. Beutler and Hoagland offered the following amendment:
(Amendments to the Committee Amendments)

1. On page 1, line 3, strike the second "and"; in line 6 before the period insert "; in line 11 after 'Any' insert 'volunteer or any' and after 'who' insert ', '; in line 17 after 'that' insert 'the person whose act or omission, in whole or in part, caused such actual or threatened discharge shall be liable for any negligence of such volunteer or other person.'; strike beginning with 'this' in line 17 through line 18; after line 18 insert 'Sec. 3. Section 2 of this act shall not apply to any person:'; in line 25 strike '3' and insert '4'.

The amendment was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 745. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 746. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 747. Title read. Considered.

Standing Committee amendments, AM1713, found in the Journal on page 501 for the Twelfth Day were adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 851. Title read. Considered.

Standing Committee amendments, AM1714, found in the Journal on page 505 for the Twelfth Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 643. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 774. Title read. Considered.

Mr. DeCamp offered the following amendment:
On page 2, line 9, after the word "reserves," add the words "profit and loss,".

The amendment was adopted with 26 ayes, 0 nays, 16 present and not

voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 664. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 681. Title read. Considered.

Mr. Landis offered the following amendment:
Amend LB 681 to delay the Sunset provision to Jan. 1, 1986.

Mr. Landis asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 5 nays, 14 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 152 in the Journal. No objections. So ordered.

AM1721
(Amendments to the Committee amendments, AM0893)

1. On page 1, line 9, after the period insert "In the case of substation transformers, a district may purchase replacement parts or repair services from suppliers other than the original manufacturer if such purchase may be made at a lower cost than from the original manufacturer of such equipment, upon certification by an engineer or engineers that such suppliers provide replacement parts and services at a lower cost than the original manufacturer and that such purchase is in compliance with standards established by the board."; in line 12 after "manufacturer" insert "or, in the case of substation transformers, the lowest cost supplier,"; and in line 13 strike "approval" and insert "review".

Mr. Pappas asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

1. On page 2, on line 5, strike the word “thirty” and add the word “fifteen.”

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 947. Placed on General File as amended.
Standing Committee amendments to LB 947:
AM1729

1. Insert a new section as follows:

“Sec. 4. That section 53-134, Revised Statutes Supplement, 1983, be amended to read as follows:

53-134. The local governing body of any city or village with respect to licenses within its corporate limits, and the local governing body of any county with respect to licenses not within the corporate limits of any city or village, shall have the following powers, functions, and duties with respect to retail and bottle club licenses: (1) To cancel or revoke for cause retail or bottle club licenses to sell or dispense alcoholic liquors issued to persons for premises within its jurisdiction, subject to the right of appeal to the commission; (2) to enter or to authorize any law enforcement officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this act or any rules or regulations adopted by it or by the commission have been or are being violated, and at such time to examine the premises of such licensee in connection therewith; (3) to receive a signed complaint from any citizen within its jurisdiction that any of the provisions of this act, or any rules or regulations adopted pursuant thereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided; (4) to receive retail or bottle club license fees as provided in subdivision (5) or (9) of section 53-124, and pay the same forthwith, after applicant has been delivered his or her retail or bottle club license, to the city or village, or county treasurer, as the case may be; (5) to examine, or cause to be examined, ~~under oath,~~ any applicant or any retail or bottle club licensee upon whom notice of cancellation or revocation has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and to take proof for its information in the performance of its duties. For the purpose of obtaining any of the information desired, the local governing body may authorize its agent or attorney to act on its behalf; (6) to cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in section 53-1,114, it determines that the licensee has violated any of the provisions of this act or any valid and subsisting ordinance or regulation duly enacted relating to alcoholic liquors. Such order of cancellation or revocation shall be subject to appeal to the commission as other orders or actions of the local governing body, as hereinafter provided in section 53-1,114; and (7) upon receipt from the commission of the notice and copy of application as provided in section 53-131, the local governing body shall fix a time and place at which a hearing will be had and at which such local governing body shall receive evidence, ~~under oath,~~ either orally or by affidavit, from the applicant and any other person, bearing upon the propriety of the issuance of such license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in such city, village, or county, as the case may be, one time not less than seven nor more than fourteen days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the local governing body in support of or protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than twenty-one days after the date of receipt of the notice from the commission and, after such hearing, the local governing body shall cause to be spread at large in the minute record of their proceedings a resolution recommending either issuance or refusal of ~~said~~ such license. The clerk of such city, village, or county shall thereupon mail to the commission by first-class mail postage prepaid a copy of the resolution which shall state the cost of the published notice, except that failure to comply herewith shall not render void any license issued by the commission. In the event the commission refuses to issue such a license, the cost of publication of notice as herein required shall be paid by the commission from the security for costs.".

2. On page 17, line 24, after "53-131," insert "53-134,".

3. Renumber remaining sections accordingly.

(Signed) Elroy Hefner, Chairperson

Urban Affairs

LEGISLATIVE BILL 782. Placed on General File as amended.
Standing Committee amendment to LB 782:
AM1716

1. On page 2, line 6, strike "fire protection districts", show as stricken, and insert "governmental agencies" and after the second comma insert "public corporations,"; in line 7 after the first "for" insert "(1)" and strike "in" and show as stricken; in line 8 strike "fighting fires", show as stricken, and insert "by it,"; strike "in", show as stricken, and insert "(2)", and strike "other municipal emergency" and show as stricken; in line 9 after "equipment" insert "of the city or village"; and strike the new matter in lines 9 through 13 and insert "The services shall be of a type which the city or village is empowered to perform and the vehicles or equipment shall be of a type which the city or village is empowered to use, as otherwise provided by law."; and strike beginning with "Any" in line 15 through the period in line 20 and show the old matter as stricken.

LEGISLATIVE BILL 837. Placed on General File as amended.
Standing Committee amendment to LB 837:
AM1701

1. On page 2, line 20, strike "three" and insert "four"; and in line 21 after "years" insert ", except as otherwise provided in this section" and after the period insert "Board members who have served more than two years as of March 1, 1984, shall continue to serve for two more years. Board members who have served less than two years as of March 1, 1984, shall continue to serve for four more years.".

LEGISLATIVE BILL 911. Placed on General File as amended.
Standing Committee amendments to LB 911:
AM1719

1. On page 2, line 9, after "corporations" insert "may enact an ordinance or bylaws or"; in lines

11 and 14 after "landfill" insert "or other waste disposal facility"; and in line 23 after the period insert "The exemption granted pursuant to this section shall not be construed to diminish any other exemption for similar activities authorized through grants of authority to other public bodies even though such exemption may not be stated in terms of antitrust.".

2. Insert a new section as follows:

"Sec. 4. The exemption granted under this act shall not constitute a waiver of or exemption from the bidding provisions of sections 16-321 and 17-568.01 or any other similar provision.".

(Signed) Dave Newell, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 700. Placed on General File as amended.
Standing Committee amendments to LB 700:
AM1668

1. Strike the original section 3 and insert the following new section:

"Sec. 3. There is hereby established a Pay Equity Commission which shall consist of the Director of Personnel who shall be chairperson of the commission and six members appointed by the Governor. Commission members shall have demonstrated knowledge of and interest in pay equity issues and shall include:

(1) One member chosen from the labor union representing the largest number of state employees;

(2) One member chosen from the labor union representing the second largest number of state employees;

(3) One member chosen from the Nebraska Commission on the Status of Women;

(4) Two members chosen from the Legislature; and

(5) One member chosen at large.".

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 795. Title read. Considered.

Standing Committee amendments, AM1657, found in the Journal on page 526 for the Twelfth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Hannibal offered the following amendment:

1. On page 4, strike beginning with "all" in line 8 through "named" in line 10, show as stricken, and insert "the beneficiary or beneficiaries under the trust"; and strike beginning with "copy" in line 12 through "beneficiaries" in line 14, show as stricken, and insert "signed statement certifying that the transfer of the property is made under such circumstances as to come within one of the exemptions specified in this section and that evidence supporting the exemption is maintained by the undersigned and is available for inspection by the Department of Revenue".

The amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 652. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1743.)

LEGISLATIVE BILL 705. Placed on General File as amended.
Standing Committee amendment to LB 705:
AM1710

1. On page 2, line 16, after "any" insert "retired" and after "who" insert "has reached fifty-six years of age and"; in line 17, after "the" insert "federal"; and in line 21 strike the underscored period and reinstate the stricken matter.

LEGISLATIVE BILL 736. Placed on General File as amended.
Standing Committee amendments to LB 736:
AM1711

1. On page 2, line 8, strike "operation" and insert "operator".

2. Insert the following new section:

"Sec. 2. No person shall purchase securities, deposit funds, or make investments under a revolving charge agreement.".

3. On page 3, line 5, after "agreement" insert "entered into or"; and in line 8 after "agreements" insert "entered into or".

4. On page 5, line 1, after "agreed" insert "except that no time price differential shall be assessed on an account if payment of the outstanding balance is received prior to the beginning of the next billing cycle under the agreement.".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 759. Placed on General File as amended.
Standing Committee amendments to LB 759:
AM1726

1. On page 3, line 6, strike "(|)" and insert (1).

2. On page 5, strike beginning with "At" in line 13 through "insured" in line 14 and insert "Unless the named insured has, in writing, rejected underinsured motorist coverage".

LEGISLATIVE BILL 808. Placed on General File as amended.
Standing Committee amendments to LB 808:
AM1671

1. On page 4, line 20, after "Code" insert an underscored comma.

2. On page 16, line 11, after the second comma insert "a separate statement of assignment,"; in line 12 after the period insert "There shall be no fee for the filing of a termination statement."; and in line 26 after the second comma insert "a separate statement of assignment,".

3. On page 18, line 21, strike "such fee", show as stricken, and insert "three dollar fee and two dollars of each five dollar fee received by him or her pursuant to subsection (5) of this section".

4. On page 19, strike beginning with the comma in line 9 through the comma in line 14, show as stricken, and insert "described in section 9-401"; and in line 17 after "document" insert "and the county where the original document may be found".

5. On page 20, line 14, after the second comma

insert "separate statement of assignment,"; and in line 16 after "nonattachment" insert an underscored comma.

6. On page 21, lines 13 and 14, strike "not later than", show as stricken, and insert "on or before".

7. Insert the following new section:

"Sec. 11. That section 9-411, Uniform Commercial Code, be amended to read as follows:

9-411. Information provided by filing; telephone and written inquiries; filing officer; duties; fees; liability; when.

(1) Telephone and written inquiries regarding information provided by the filing shall be accepted and answered by the filing officer. When a filing party provides the filing officer with a postage paid addressed envelope and a copy of the filing, the filing officer shall note the time and date of filing on the copy and mail it in the envelope provided. The fee for furnishing file information in writing shall be two dollars for each debtor or trade name searched by the filing officer. If the information request requires attestation by the filing officer, an additional fee of three dollars shall be assessed. The filing officer and his or her employees or agents are exempted from all personal liability as a result of any error or omission in providing information as required by this section, except in cases of willful misconduct or negligence.

(2) There shall be a uniform fee, payable to the office at which inquiry is made, for any inquiries regarding information provided by the filing. Such fee shall be one dollar per name and shall be in addition to any other charge for services.

(3) The Secretary of State shall, ~~not later than January 1, 1985~~ on or before January 1, 1986, provide twenty-four hour a day seven days a week service for inquiries made by telephone or other electronic media. The Secretary of State shall provide a printed copy of filing information requested for a fee of fifty cents per page.".

8. On page 22, line 7, after the first comma insert "9-411,".

9. Renumber remaining sections accordingly.

(Signed) John DeCamp, Chairperson

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 1031	Tuesday, January 31, 1984	1:30 p.m.
LB 1049	Tuesday, January 31, 1984	1:30 p.m.
LB 1052	Tuesday, January 31, 1984	1:30 p.m.
LB 1069	Tuesday, January 31, 1984	1:30 p.m.
LB 1076	Tuesday, January 31, 1984	1:30 p.m.
LB 1066	Monday, February 6, 1984	1:30 p.m.
LB 1068	Monday, February 6, 1984	1:30 p.m.
LB 1077	Monday, February 6, 1984	1:30 p.m.
LB 1105	Monday, February 6, 1984	1:30 p.m.
LB 1117	Monday, February 6, 1984	1:30 p.m.

(Signed) John DeCamp, Chairperson

ANNOUNCEMENT

President McGinley announced today is Senator Haberman's birthday.

GENERAL FILE

LEGISLATIVE BILL 796. Title read. Considered.

Standing Committee amendment, AM1708, found in the Journal on page 526 for the Twelfth Day was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 946. Title read. Considered.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Lundy asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 719. Mr. Wesely offered the following amendment:
AM1724

1. Insert the following new sections:

"Sec. 4. That section 60-311.02, Revised Statutes Supplement, 1982, be amended to read as follows:

60-311.02. The letters and figures for motorcycle and trailer plates may be one half the size of those required herein for motor vehicles. On number plates issued to a manufacturer or dealer there shall be displayed, in addition to the registration number, the letter D. On number plates issued for use on motor vehicles which have been granted tax exempt status under subdivision (1)(b) or (1)(c) of section 77-202 pursuant to the procedure in section 77-202.08, there shall be ~~displayed~~ embossed, in addition to the registration number, the words tax exempt which shall appear at the bottom of the license plate. The Department of Motor Vehicles may provide distinctive plates for such tax exempt vehicles. ~~in place of the logo provided for in section 60- 311.~~ On trucks there shall be displayed, in addition to the registration number, the weight that such vehicle is licensed for, which is to be displayed by sticker or tab on the registration plates thereof in letters and figures of such size and design as shall be determined and furnished by the Department of Motor Vehicles. Where two registration plates are issued, one shall be prominently displayed at all times on the front and one on the rear of the registered vehicle. Where only one plate is issued, it shall be prominently displayed on the rear of the registered vehicle, except for truck-tractors upon which it shall be prominently displayed on the front thereof. Any violation of this section shall be subject to a penalty or penalties as provided for by the provisions of section 39-6,188.

Sec. 6. That original section 60-311.05, Revised Statutes Supplement, 1982, is repealed.".

2. On page 3, line 1, strike "This" and insert "Sections 1 to 3 and 5 of this".

3. Insert underscoring in original sections 1 to 4.

4. Renumber the remaining sections accordingly.

The Wesely amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 183. Mr. Hoagland offered the following amendment:

AM1681

1. On page 2, line 5, strike "in such" and insert "after the effective date of this act and prior to January 1, 1990, in each".

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Clark, DeCamp, and Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Hoagland amendment lost with 15 ayes, 23 nays, 5 present and not voting, and 6 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 183.

The Chair declared the Call raised.

Messrs. Haberman, Nichol, R. Peterson, Newell, Lundy, and Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on his motion to indefinitely postpone LB 183.

Voting in the affirmative, 11:

Chambers Eret Hannibal Harris Hoagland
Johnson, V. Landis Morehead Schmit Scofield
Withem

Voting in the negative, 22:

Barrett Beyer Carsten Fenger Goll
Hefner Higgins Jacobson Johnson, L. Johnson, R.
Kilgarin Labedz Lamb McDonald Pappas
Peterson, H. Pirsch Remmers Rupp Sieck
Von Minden Wagner

Present and not voting, 5:

Abboud Beutler Goodrich Vickers Wesely

Excused and not voting, 11:

Chronister Clark DeCamp Haberman Kahle
Lundy Marsh Newell Nichol Peterson, R.
Warner

The Chambers motion lost with 11 ayes, 22 nays, 5 present and not voting, and 11 excused and not voting.

ADJOURNMENT

At 12:20 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Tuesday, January 24, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 24, 1984

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Senator Bernice Labedz.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Abboud, Beutler, Chambers, Haberman, Hoagland, V. Johnson, Lamb, Newell, Remmers, Schmit, Wesely, Miss Kilgarin, and Mrs. Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 475. Placed on Select File as amended.
E & R amendment to LB 475:
AM5212

1. On page 1, strike beginning with "sections" in line 2 through "1943" in line 13 and insert "section 81-199, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the termination of such board as prescribed; to repeal the original section".

LEGISLATIVE BILL 480. Placed on Select File as amended.
E & R amendment to LB 480:

AM5213

1. On page 1, strike beginning with "to" in line 1 through the second semicolon in line 12 and insert "relating to the State Real Estate Commission; to amend section 81-199, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the termination of such commission as prescribed; to repeal the original section;".

LEGISLATIVE BILL 171. Placed on Select File as amended.
E & R amendments to LB 171:
AM5214

1. Because of the amendment of section 60-302 by Laws 1983, LB 234, section 16, and by Laws 1983, LB 302, section 2, strike original section 2 and insert the following new section:

"Sec. 2. That section 60-302, Revised Statutes Supplement, 1983, be amended to read as follows:

60-302. No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated on the highways of this state unless such vehicle is registered in accordance with the provisions of this act. Every owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has tax situs, as defined in section 77-1202. Such application shall be a copy of a certificate of title or, in the case of a renewal of a registration, such application shall be the previous registration period's certificate. A salvage certificate of title, as defined in section 60-129, shall not be valid for registration purposes. Any nonresident owner, who desires to register a vehicle or vehicles in this state, shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business. Each new application shall contain, in addition to such other information as may be required by the department, the name and post office address of the applicant, a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by this act. With such application, the applicant shall pay the proper registration fee, as provided in sections 60-305.08 to 60-342 and shall provide the following information with regard to the vehicle being registered: The ~~the~~ type of fuel used to propel the vehicle, whether electricity, motor vehicle fuel as defined in section 66-401, or special fuel as defined in section 66-602, and if special fuel, the type of fuel. The Department of Motor Vehicles shall prescribe a form for supplying such information for vehicles to be registered on or after January 1, 1984. The county assessor shall include such form in each mailing made pursuant to section 77-1240. The county treasurer or his or her agent shall collect in addition to other registration fees, the sum of one dollar and fifty cents for each and every certificate issued, which fee shall be transmitted by the county treasurer to the State Treasurer and shall, by the State Treasurer, be credited to the Highway Trust Fund.".

2. On page 1, line 2, strike "sections" and insert "section" and strike "and 60-302"; in line 3 after "1982" insert ", and section 60-302, Revised Statutes Supplement, 1983".

3. On page 5, line 14, strike "sections" and insert "section" and strike "and"; in line 15 strike "60-302" and after "1982," insert "and section 60-302, Revised Statutes Supplement, 1983,".

LEGISLATIVE BILL 775. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 403, 403A, 507, 510, 540, and 719.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 719

The following changes, required to be reported for publication in the Journal, have been made:

ER0144

1. In the Wesely amendment, AM1724, adopted January 23, 1984, on page 2, in lines 2 and 5, "Where" has been struck, shown as stricken, and "When" inserted; and in line 12 "60-311.05" has been struck and "60-311.02" inserted.

2. On page 1, line 1, after the semicolon "to amend section 60-311.02, Revised Statutes Supplement, 1982;" has been inserted; in line 3 after the semicolon "to change provisions relating to license plates for tax

exempt motor vehicles;” has been inserted, “for” has been struck and “a” inserted, and “of the” has been struck and “date” inserted; and in line 4 “act” has been struck and after the semicolon “to repeal the original section;” has been inserted.

Enrollment and Review Change to LB 540

The following changes, required to be reported for publication in the Journal, have been made:
ER0140

1. On page 1, line 8, after the semicolon “to provide a penalty;” has been inserted and in line 9 “to provide a penalty;” has been struck.
2. On page 2, line 11, an underscored comma has been inserted after “830”.
3. On page 3, line 1, “or” has been struck; and in line 2 after the first comma “or” has been inserted.
4. On page 4, line 16, “contracts” has been struck and “a contract” inserted.
5. On page 13, line 10, “(1)” has been inserted after “that” ; in line 13, the comma has been struck and shown as stricken; and in line 21 “then” has been struck and shown as stricken.
6. On page 15, line 17, the comma has been struck and shown as stricken.
7. In the Standing Committee amendments, AM0633, on page 1, line 19, “Nebraska” has been stricken; and in line 20 “Constitution” has been struck and “constitution” inserted.
8. In the Wesely amendment, AM1652, because of amendment 1, amendment 2 has been struck and amendments 3 and 4 renumbered accordingly.
9. In the E & R amendments, AM5183:
   a. On page 8, line 11, the comma has been struck and shown as stricken; and
   b. On page 10, line 11 “except that” has been struck and “(2)” inserted.

(Signed) Mary Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 791. Placed on General File as amended.
Standing Committee amendment to LB 791:
AM1725

1. On page 4, line 27, after “clinic” insert “when two or more hospitals or the parent corporations

of the hospitals own or control the health clinic for the purpose of reducing the cost of health services”.

LEGISLATIVE BILL 833. Placed on General File as amended.
Standing Committee amendments to LB 833:
AM1706

1. On page 5, line 7, strike “This” and insert “Sections 1 and 5 of this act shall become operative on January 1, 1985, sections 2 and 6 of this act shall become operative three calendar months after the adjournment of this session, and the remaining sections of”.

2. Strike original section 5 and insert new sections as follows:

“Sec. 5. That original section 77-1301, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 6. That original section 77-1301.07, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 7. That original section 77-1330, Reissue Revised Statutes of Nebraska, 1943, is repealed.”.

3. Renumber original section 6 as section 8.

(Signed) Calvin Carsten, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 18CA. Placed on General File as amended.
Standing Committee amendments to LR 18CA:
AM1680

1. On page 1, strike beginning with “III” in line 2 through “Article” in line 3; in line 6, strike “NEBRAKSA” and insert “NEBRASKA”; strike beginning with the first “Article” in line 10 through the first “of” in line 11; and strike lines 13 through 18.

2. On page 2, strike lines 1 through 26.

3. On page 3, strike lines 1 through 18 and insert:

“ ‘Sec. 3. Credit of state. The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that (1) the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state and (2) loans may be made to or guaranteed for Nebraska electric ratepayers and consumers for the purchase and installation of energy conservation measures or devices. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature. (Amended, 1968.)'."; and strike beginning with "remove" in line 24 through "provisions" in line 26 and insert "permit the state to guarantee or make loans for certain energy conservation measures or devices".

(Signed) Bernice Labedz, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 115. Placed on Select File as amended.
E & R amendments to LB 115:
AM5211

1. Because of the amendment of section 44-1625 by Laws 1983, LB 632, section 3, strike original section 2 and insert:

"Sec. 2. That section 44-1625, Revised Statutes Supplement, 1983, be amended to read as follows:

44-1625. The group health insurance contract or contracts may permit the extension of special benefits, such as insurance over and above that provided by the basic coverage specified in section 44-1623, dental health insurance, disability insurance, accidental death and dismemberment benefits, disability income replacement benefits, and the extension of coverage to dependents. Any coverage under this section may be borne solely by the employee.".

2. On page 1, line 1, after "ACT" insert "relating to insurance;", strike "sections" and insert "section", and strike "and 44-1625"; and in line 2 strike "relating to insurance" and insert "and section 44-1625, Revised Statutes Supplement, 1983".

3. On page 3, line 9, strike "sections" and insert "section" and strike "and"; and in line 10 strike "44-1625" and after "1982," insert "and section 44-1625, Revised Statutes Supplement, 1983,".

LEGISLATIVE BILL 453. Placed on Select File.
LEGISLATIVE BILL 38A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 983	Wednesday, February 1, 1984	1:30 p.m.
LB 984	Wednesday, February 1, 1984	1:30 p.m.
LB 985	Wednesday, February 1, 1984	1:30 p.m.
LB 1000	Wednesday, February 1, 1984	1:30 p.m.
LB 1032	Wednesday, February 1, 1984	1:30 p.m.
LB 1106	Thursday, February 2, 1984	1:30 p.m.
LB 1108	Thursday, February 2, 1984	1:30 p.m.
LB 1109	Thursday, February 2, 1984	1:30 p.m.
LB 760	Friday, February 3, 1984	1:30 p.m.
LB 866	Friday, February 3, 1984	1:30 p.m.
LB 1033	Friday, February 3, 1984	1:30 p.m.
LB 1071	Friday, February 3, 1984	1:30 p.m.

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 250.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; V. Johnson, 8th District; Landis, 46th District; Lundy, 36th District; Pappas, 42nd District; Sieck, 24th District.

PURPOSE: To undertake a comprehensive study of present procedures for collection of delinquent property taxes contained in Chapter 77, articles 18 and 19, and other relevant statutes. The study shall focus upon the present workability and cost-effectiveness of present statutory procedures and examine proposals for a comprehensive modernization of these statutes, most of which date from around the turn of the century. The study shall give consideration both to the need for local governments to have efficient and effective procedures for delinquent tax collection and to rights of individual property owners who can be deprived of their property for non-payment of a property tax which is imposed at very high rates in this state and which is often not in proportion to their ability to pay. Delinquency periods, delinquent interest rates, required notices, the timing of procedures, alternative methods of collection, and other relevant issues will be examined.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE, SECOND SESSION:

1. That the Revenue Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 56 in the Journal. No objections. So ordered.

1. Strike original section 6 and insert the following new sections:

"Sec. 6. Sections 2 to 5 and 8 of this act shall not become operative until (1) the minimum age for the purchase, sale, and consumption of alcoholic beverages, except beer having an alcoholic content of three and two- tenths per cent or less, in all states adjacent to Nebraska is twenty- one years of age or older or (2) September 1, 1985, whichever occurs first.

Sec. 7. That original section 53-102, Revised Statutes Supplement, 1982, is repealed.

Sec. 8. That original sections 53-180.02, 53-180.04, and 53-180.05, Revised Statutes Supplement, 1982, and section 53-103, Revised Statutes Supplement, 1983, are repealed.".

2. Strike original standing committee amendments 2 and 3.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 216, 226, and 300.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 216

The following changes, required to be reported for publication in the Journal, have been made:

AM0139

1. In the E & R amendment, AM5174, on page 1, line 5, after the first

semicolon "to change provisions relating to which counties may provide benefits;" has been inserted.

(Signed) Mary Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 568. Title read. Considered.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Messrs. Chronister and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 568A. Title read. Considered.

Mr. Vickers offered the following amendment:

On page 2, in line 3, strike "1983" and insert "1984" and strike "1984" and insert "1985"; in line 4, strike "1984" and insert "1985"; in line 5, strike "1985" and insert "1986".

The Vickers amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Vickers offered the following amendment:

Page 2, line 3, strike "two" and insert "four".

The Vickers amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 744	Thursday, February 9, 1984	1:30 p.m.
LB 961	Thursday, February 9, 1984	1:30 p.m.
LB 1061	Thursday, February 9, 1984	1:30 p.m.
LB 1096	Thursday, February 9, 1984	1:30 p.m.

LB 713	Friday, February 10, 1984	1:30 p.m.
LB 978	Friday, February 10, 1984	1:30 p.m.
LB 915	Friday, February 10, 1984	1:30 p.m.
LB 1012	Thursday, February 16, 1984	1:30 p.m.
LB 788	Thursday, February 16, 1984	1:30 p.m.
LB 789	Thursday, February 16, 1984	1:30 p.m.
LB 1008	Thursday, February 23, 1984	1:30 p.m.
LB 1075	Thursday, February 23, 1984	1:30 p.m.
LB 1079	Thursday, February 23, 1984	1:30 p.m.
LB 980	Friday, February 24, 1984	1:30 p.m.
LB 1016	Friday, February 24, 1984	1:30 p.m.

(Signed) Elroy Hefner, Chairperson

Public Works

LB 727	Wednesday, February 8, 1984	1:30 p.m.
LB 852	Wednesday, February 8, 1984	1:30 p.m.
LB 968	Wednesday, February 8, 1984	1:30 p.m.
LB 1040	Wednesday, February 8, 1984	1:30 p.m.
LB 688	Thursday, February 9, 1984	1:30 p.m.
LB 1053	Thursday, February 9, 1984	1:30 p.m.
LB 1054	Thursday, February 9, 1984	1:30 p.m.
LB 1055	Thursday, February 9, 1984	1:30 p.m.
LB 702	Friday, February 10, 1984	1:30 p.m.
LB 766	Friday, February 10, 1984	1:30 p.m.
LB 864	Friday, February 10, 1984	1:30 p.m.
LB 873	Friday, February 10, 1984	1:30 p.m.
LB 743	Wednesday, February 15, 1984	1:30 p.m.
LB 756	Wednesday, February 15, 1984	1:30 p.m.
LB 790	Wednesday, February 15, 1984	1:30 p.m.
LB 1060	Wednesday, February 15, 1984	1:30 p.m.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 762. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 688. No objections. So ordered.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 692. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1709.)

(Signed) John DeCamp, Chairperson

UNANIMOUS CONSENT - Member Excused

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 686. Title read. Considered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 835. Title read. Considered.

Standing Committee amendments, AM1705, found in the Journal on page 531 for the Twelfth Day were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 670. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 976. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 977. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 947. Title read. Considered.

Standing Committee amendments, AM1729, found in the Journal on page 540 for the Thirteenth Day were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: 218, 333, 564, and LR 2.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 218

The following changes, required to be reported for publication in the Journal, have been made:
ER0142
1. Because of the Wesely amendment, AM1638, adopted 1-18-84:
a. In the Standing Committee amendments, AM0625, on page 1, line 3, "section" has been struck and "sections 23-2307 and" inserted; and
b. The remaining sections have been renumbered accordingly.

Enrollment and Review Change to LB 333

The following changes, required to be reported for publication in the Journal, have been made:

ER0141

1. In the Goodrich amendment, AM1647, adopted January 18, 1984, on page 1, line 18, the second "2" has been struck and "1" inserted and "service" has been struck and "powers" inserted.

Enrollment and Review Change to LR 2

The following changes, required to be reported for publication in the Journal, have been made:

ER0143

1. In the E & R amendment, AM5195, adopted January 18, 1984, on page 1, line 4, "NEBRASKA" has been struck and "NEBRAKSA" inserted.
2. In the Pirsch amendment adopted January 18, 1984, the underscoring has been removed.

(Signed) Mary Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 227CA. Placed on General File.

LEGISLATIVE RESOLUTION 224CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 226CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 228CA. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

SELECT FILE

LEGISLATIVE BILL 183. Considered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud	Beyer	Carsten	Fenger	Goll
Goodrich	Haberman	Hefner	Higgins	Jacobson
Johnson, L.	Kahle	Kilgarin	Labedz	Lamb
Lundy	Marsh	McDonald	Newell	Nichol
Pappas	Peterson, H.	Pirsch	Remmers	Rupp
Sieck	Vickers	Von Minden	Wagner	

Voting in the negative, 7:

Chambers Hannibal Harris Hoagland Landis
Scofield Withem

Present and not voting, 5:

Beutler DeCamp Eret Johnson, R. Wesely

Excused and not voting, 8:

Barrett Chronister Clark Johnson, V. Morehead
Peterson, R. Schmit Warner

Advanced to E & R for Engrossment with 29 ayes, 7 nays, 5 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 623. Mrs. Labedz offered the following amendment:
AM1684
1. In the Labedz amendment adopted January 10, 1984, on page 1, line 6, strike ", except" and insert "and, in addition,"; and in line 7 strike "that".

The Labedz amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment:
Amend Labedz amendment:
Strike all language & insert: Except where specified in the constitution, there shall be no minimum age for holding any elective office.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Chambers DeCamp Hannibal Johnson, R. Kilgarin
Pappas Vickers

Voting in the negative, 34:

Abboud Barrett Beutler Beyer Carsten

Eret Fenger Goll Goodrich Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Kahle Labedz Landis Lundy Marsh
McDonald Morehead Newell Nichol Peterson, H.
Pirsch Remmers Rupp Scofield Sieck
Von Minden Wagner Wesely Withem

Absent and not voting, 1:

Lamb

Excused and not voting, 7:

Chronister Clark Haberman Johnson, V. Peterson, R.
Schmit Warner

The Chambers amendment lost with 7 ayes, 34 nays, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Engrossment with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 286. Mr. Vickers renewed his pending amendment found in the Journal on page 333.

Mr. Vickers asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 286A. E & R amendment, AM5189, found in the Journal on page 409 for the Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 633. E & R amendment, AM5203, found in the Journal on page 524 for the Twelfth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 634. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 635. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 636. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 637. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 638. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 639. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 640. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 641. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 590. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 79. E & R amendments, AM5207, found in the Journal on page 525 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 1084	Wednesday, February 1, 1984	1:30 p.m.
LB 1119	Wednesday, February 1, 1984	1:30 p.m.
LB 1022	Wednesday, February 1, 1984	1:30 p.m.
LB 1120	Wednesday, February 1, 1984	1:30 p.m.
LB 1107	Wednesday, February 1, 1984	1:30 p.m.
LB 1023	Wednesday, February 1, 1984	1:30 p.m.
LB 735	Wednesday, February 1, 1984	1:30 p.m.

(Signed) David Newell, Chairperson

Commonwealth Special Committee

LB 669	Tuesday, January 31, 1984	7:00 p.m.
LB 899	Tuesday, January 31, 1984	7:00 p.m.
LB 939	Tuesday, January 31, 1984	7:00 p.m.
LB 940	Tuesday, January 31, 1984	7:00 p.m.
LB 1011	Tuesday, January 31, 1984	7:00 p.m.
LB 1039	Tuesday, January 31, 1984	7:00 p.m.

(Signed) Vard Johnson, Chairperson

Business and Labor

1112	Wednesday, February 15, 1984	1:30 p.m.
1099	Wednesday, February 15, 1984	1:30 p.m.

(Signed) William Barrett, Chairperson

Government, Military & Veterans Affairs

LB 1085	Friday, February 3, 1984	1:30 p.m.

LB 1020	Thursday, February 16, 1984	1:30 p.m.
LB 1024	Thursday, February 23, 1984	1:30 p.m.
LB 1025	Thursday, February 23, 1984	1:30 p.m.

Governor's Appointment Thursday, February 23, 1984 1:30p.m.
James Carmona, Adjutant General
Charles M. Pallesen, Jr. State Personnel Board

(Signed) David Landis, Chairperson

Revenue

LB 816	Monday, February 6, 1984	1:30 p.m.
LB 870	Monday, February 6, 1984	1:30 p.m.
LB 891	Monday, February 6, 1984	1:30 p.m.
LB 941	Monday, February 6, 1984	1:30 p.m.
LB 675	Tuesday, February 7, 1984	1:30 p.m.
LB 945	Tuesday, February 7, 1984	1:30 p.m.
LB 955	Tuesday, February 7, 1984	1:30 p.m.
LB 962	Tuesday, February 7, 1984	1:30 p.m.
LB 769	Monday, February 13, 1984	1:30 p.m.
LB 794	Monday, February 13, 1984	1:30 p.m.
LB 817	Monday, February 13, 1984	1:30 p.m.
LB 1123	Monday, February 13, 1984	1:30 p.m.
LB 701	Tuesday, February 14, 1984	1:30 p.m.
LB 706	Tuesday, February 14, 1984	1:30 p.m.
LB 830	Tuesday, February 14, 1984	1:30 p.m.
LB 799	Tuesday, February 14, 1984	1:30 p.m.
LB 800	Tuesday, February 14, 1984	1:30 p.m.
LB 712	Tuesday, February 21, 1984	1:30 p.m.
LB 888	Tuesday, February 21, 1984	1:30 p.m.
LB 859	Tuesday, February 21, 1984	1:30 p.m.
LB 831	Wednesday, February 22, 1984	1:30 p.m.
LB 1082	Wednesday, February 22, 1984	1:30 p.m.
LB 1021	Wednesday, February 22, 1984	1:30 p.m.
LB 1073	Wednesday, February 22, 1984	1:30 p.m.
LB 1004	Wednesday, February 22, 1984	1:30 p.m.
LB 998	Monday, February 27, 1984	1:30 p.m.

LB 1003	Monday, February 27, 1984	1:30 p.m.
LB 1037	Monday, February 27, 1984	1:30 p.m.
LB 1062	Monday, February 27, 1984	1:30 p.m.
LB 892	Tuesday, February 28, 1984	1:30 p.m.
LB 770	Tuesday, February 28, 1984	1:30 p.m.
LB 869	Tuesday, February 28, 1984	1:30 p.m.
LB 958	Tuesday, February 28, 1984	1:30 p.m.

(Signed) Calvin Carsten, Chairperson

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will meet in Executive Session Wednesday, February 8, 1984, 1:30 p.m., Wednesday, February 15, 1984, 1:30 pm., and Wednesday, February 29, 1984, 1:30 p.m.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 695. Placed on General File.
LEGISLATIVE BILL 703. Placed on General File.

LEGISLATIVE BILL 657. Placed on General File as amended.
Standing Committee amendment to LB 657:
AM1756

1. On page 2, strike beginning with "for" in line 3 through "judgment" in line 6.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 652 in the Journal. No objections. So ordered.

Amendment to the Committee Amendments to LB 652.
Provided, no county may exercise the provisions of this act outside of the zoning jurisdiction of a municipality or without the permission of the affected municipality.

GENERAL FILE

LEGISLATIVE BILL 782. Title read. Considered.

Standing Committee amendment, AM1716, found in the Journal on

page 542 for the Thirteenth Day was considered.

MR. KAHLE PRESIDING

Messrs. R. Johnson and Pappas asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 837. Title read. Considered.

Standing Committee amendment, AM1701, found in the Journal on page 542 for the Thirteenth Day was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT — Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 283 in the Journal. No objections. So ordered.

AM1747

1. On page 2, line 13, after "adoption" insert ", except that if a nonconsent form has been filed pursuant to section 3 of this act the original birth certificate shall not be made available".

2. Insert the following new sections:

"Sec. 3. A biological parent or parents of an adopted person may prior to August 1, 1985, file a notice of nonconsent with the Bureau of Vital Statistics of the Department of Health stating that at the present time he, she, or they do not want any information on the adopted person's original birth certificate released to such adopted person.

If no nonconsent form is on file the bureau may allow the birth certificate to be examined as provided in sections 43-113 and 71-626.01. If a nonconsent form is on file, access to the original birth certificate shall not be provided under subsection (2) of section 43-113.

Sec. 4. Sections 1, 2, and 5 of this act shall become operative on August 1, 1985, the other sections of this act shall become operative on their effective date.”.

3. In the Standing Committee Amendment on page 1 strike beginning with “line” in line 1 through “in” in line 3.

4. Renumber remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 283 in the Journal. No objections. So ordered.

AM1748

1. Insert the following new sections:

“Sec. 4. The Department of Health shall conduct an advertising campaign to publicize the provisions relating to the right of a biological parent to file a nonconsent form.

Sec. 5. There is hereby appropriated $5,000 from the General Fund to the Department of Health to aid in carrying out the provisions of section 4 of this act.”.

2. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were Mr. Allen Kreuscher of DeWitt; Mrs. George Kilpatrick & Mrs. Dean Dalke of Beatrice; Mr. & Mrs. Ray Wilson of Lincoln; Mr. Ed Elliott of Wayne; Mr. Paul Rupprecht of Schuyler; former Senator Les Robinson and Mrs. Robinson of Kearney; and Mr. Jim Black of North Carolina.

ADJOURNMENT

At 11:59 a.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Wednesday, January 25, 1984.

Patrick J. O’Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 25, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 25, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Curtis Lehman of Berea Fundamental Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Chambers, Goodrich, Lamb, Newell, Rupp, Schmit, Sieck, Wesely, Mrs. Pirsch, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 372, line 11 insert "By Agriculture & Environment Committee:"
The Journal for the Sixth Day was approved as corrected.
The Journal for the Fourteenth Day was approved.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wagner asked unanimous consent to have his name added as co-introducer to LB 838. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 453A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 507A. Title read. Considered.

Mr. Beutler offered the following amendment:

On page 2, line 2, strike "58,337" and insert "48,941"; in line 10, strike "53,034" and insert "44,491"; in line 24, strike "28,160" and insert "22,800".

On page 3, line 5, strike "24,000" and insert "20,000".

The Beutler amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 130A. Title read. Considered.

Mr. Warner renewed his pending amendment found in the Journal on page 444.

The Warner amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Mr. Warner offered the following amendment:

On page 2, in line 14, strike "sixteen" and insert "fifty-one"; in line 15, strike "seventeen" and insert "fifty-three".

On page 2, strike lines 26 and 27 and on page 3, strike line 1. Insert on page 2 in lines 26 and 27 and on page 3 in line 1, "Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed thirty-two thousand five hundred for the period July 1, 1984, to June 30, 1985, nor thirty-four thousand seven hundred and seventy-five dollars for the period July 1, 1985, to June 30, 1986".

On page 3, strike lines 10, 11 and 12 and insert "total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed thirty-two thousand five hundred for the period July 1, 1984, to June 30, 1985, nor thirty-four thousand seven hundred and seventy-five dollars for the period July 1, 1985, to June 30, 1986".

The Warner amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. KAHLE PRESIDING

Advanced to E & R for Review with 26 ayes, 13 nays, 5 present and not

voting, and 5 excused and not voting.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 773. Placed on General File.

(Signed) Chris Beutler, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 38, 290, 394, 477, 477A, 478, 478A, and 482.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 477

The following changes, required to be reported for publication in the Journal, have been made:
ER0146
1. Because of the Warner amendment, AM1685, adopted on January 19, 1984, on page 1, line 2, "and" has been struck; and in line 3 "and 81-8,208," has been inserted after the second comma.
2. In the E & R amendments, AM5193, on page 1, line 5, "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 482

The following changes, required to be reported for publication in the Journal, have been made:
ER0145
1. On page 2, line 3, an underscored comma has been inserted after the reinstated "officer"; and in line 4 the comma has been stricken.

(Signed) Mary Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 470. Title read. Considered.

Standing Committee amendments, AM0584, found in the Journal on page 803 for the Thirty-Ninth Day, First Session, were considered.

Mrs. Marsh and Miss Kilgarin renewed their pending amendment, AM0750, found in the Journal on page 1130, First Session, to the Standing Committee amendments.

Mr. Fenger requested a ruling of the Chair on whether the Marsh-Kilgarin amendment is germane to the Standing Committee amendments.

The Chair ruled the amendment not germane to the Standing Committee amendments.

The Standing Committee amendments were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mrs. Marsh and Miss Kilgarin renewed their pending amendment, AM0750, found in the Journal on page 1130, First Session.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mrs. Marsh requested a roll call vote on the Marsh-Kilgarin amendment.

Voting in the affirmative, 19:

Carsten
Eret
Haberman
Hannibal
Johnson, V.
Kilgarin
Landis
Marsh
McDonald
Morehead
Newell
Pirsch
Remmers
Rupp
Schmit
Sieck
Vickers
Wagner
Warner

Voting in the negative, 19:

Abboud
Barrett
Chronister
Clark
DeCamp
Fenger
Goll
Harris
Hefner
Jacobson
Johnson, L.
Kahle
Labedz
Lundy
Pappas
Peterson, H.
Peterson, R.
Scofield
Von Minden

Present and not voting, 10:

Beutler
Beyer
Chambers
Goodrich
Higgins
Hoagland
Johnson, R.
Nichol
Wesely
Withem

Excused and not voting, 1:

Lamb

The Marsh-Kilgarin amendment lost with 19 ayes, 19 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM0877, printed separate from the Journal and referred to on page 1679, First Session. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 470A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 663. Title read. Considered.

Standing Committee amendment, AM1727, found in the Journal on page 532, was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 686 in the Journal. No objections. So ordered.

On page 4, line 6: shall be fixed by the bylaws of the agency. The board may also create one or more ~~project~~ committees to which the board may delegate such powers and duties ~~with respect to a project~~ as the board shall specify~~,~~. ~~but~~ ~~i~~In no event shall ~~a~~ any ~~project~~ committee be empowered to authorize the issuance of bonds. The membership and voting requirements for action by a ~~project~~ committee shall be specified by the board. ~~taking into account the municipalities serviced by such projects.~~

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chronister asked unanimous consent to have his name added as co-introducer to LB 1078. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 251.

Introduced by Chambers, 11th District.

WHEREAS, intelligence separates human beings from the animal kingdom; and

WHEREAS, a mark of intelligence is the ability to learn and profit from experience; and

WHEREAS, numerous serious and complex problems beset the Nation and this State; and

WHEREAS, the national administration sets the moral and political tone for the Nation; and

WHEREAS, the Reagan Administration has hit upon a most creative and ingenious method of coping with complex problems; and

WHEREAS, the Reagan Administration has solved the "gender gap" proclaiming it a myth; and

WHEREAS, the Reagan Administration has solved the problem of hunger by denying its existence; and

WHEREAS, the Reagan Administration has solved the problem of poverty by declaring that the poor are adequately provided for: and

WHEREAS, the Reagan Administration has solved the problem of unemployment by saying plenty of jobs are available in the "help wanted ads" in the New York Times and the Washington Post; and

WHEREAS, the Reagan Administration has solved the problem of racial discrimination through a "packed" Civil Rights Commission whose members "explain away" the existence of discrimination; and

WHEREAS, the Nebraska Legislature and all other Legislatures should learn from and emulate the Reagan Administration's ingenuity and creativity.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That serious and complex problems besetting Nebraska be solved by the official Legislative declaration that from and after the date of adoption of this Resolution:

1. The "gender gap" in Nebraska is a myth, and no sexism exists.
2. No hunger haunts Nebraska.
3. No poverty exists in Nebraska.
4. Plenty of jobs are available for everyone in Nebraska.
5. All minorities of whatever description are abolished, and no discrimination of any kind exists in Nebraska.
6. Parson E. Sileven is abolished and with him, the "Christian schools" controversy.
7. The Millenium has dawned in Nebraska.

Laid over.

MR. LANDIS PRESIDING

SELECT FILE

LEGISLATIVE BILL 56. E & R amendments, AM5202, found in the Journal on page 518 for the Twelfth Day were adopted.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp renewed his pending amendment, AM1643, found in the Journal on page 366.

Mr. Wagner offered the following amendment to the DeCamp pending amendment:

Req.# AM1643 on page 366 of the Journal. On line 6 - strike beverages and insert "liquor".

The Wagner amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Messrs. Nichol and Hoagland offered the following amendment to the DeCamp amendment:

Line 9 strike "July 1, 1986" and insert "July 1, 1985".

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Nichol moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Nichol requested a roll call vote on the Nichol-Hoagland amendment.

Voting in the affirmative, 25:

Abboud	Beyer	Chronister	Clark	Fenger
Goll	Haberman	Hefner	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Kahle	Lundy	Marsh
Morehead	Nichol	Pappas	Peterson, H.	Pirsch

Remmers Sieck Von Minden Wagner Warner

Voting in the negative, 19:

Barrett Carsten Chambers DeCamp Goodrich
Hannibal Harris Higgins Johnson, V. Kilgarin
Landis McDonald Newell Rupp Schmit
Scofield Vickers Wesely Withem

Present and not voting, 2:

Beutler Eret

Excused and not voting, 3:

Labedz Lamb Peterson, R.

The Nichol-Hoagland amendment was adopted with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

MR. V. JOHNSON PRESIDING

PRESIDENT MCGINLEY PRESIDING

The Chair declared the Call raised.

The DeCamp amendment, as amended, lost with 16 ayes, 19 nays, 12 present and not voting, and 2 excused and not voting.

Mr. Newell offered the following amendment:
To amend LB 56.
Amend the appropriate sections to make the intent of LB 56 to raise the drinking age for liquor and wine to 21 years of age and to lower the drinking age for 3.2% or lower beer.

Messrs. Eret and Barrett asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Messrs. R. Johnson and Lamb asked unanimous consent to be excused. No objections. So ordered.

The Newell amendment lost with 9 ayes, 24 nays, 11 present and not

voting, and 5 excused and not voting.

Mr. Hoagland moved to suspend the rules, Rule 6, Sec. 5 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 56.

Mr. Hoagland asked unanimous consent to withdraw his motion to suspend the rules. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Chronister asked unanimous consent to have his name added as co-introducer to LB 1017. No objections. So ordered.

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 870. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Appropriations

LB 882	Wednesday, February 1, 1984	1:30 p.m.
LB 883	Wednesday, February 1, 1984	1:30 p.m.
LB 884	Wednesday, February 1, 1984	1:30 p.m.
LB 885	Wednesday, February 1, 1984	1:30 p.m.
LR 243	Wednesday, February 1, 1984	1:30 p.m.

Public hearings on specific state agency budget requests and the Governor's recommendations regarding each specific agency will be scheduled from February 2, 1984, through February 23, 1984. The public hearings on LB 882 through LB 885 relate to the Governor's recommendations in total as contained in those bills.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 527 in the Journal. No objections. So ordered.

Insert a new section to read as follows and renumber the existing sections:

There is hereby established in the state treasury a special fund to be known as the Records Management Cash Fund which, when appropriated by the Legislature, shall be expended by the Secretary of State for the purpose of providing records management services and assistance to political subdivisions. All fees and charges for the purpose of records management services and analysis received by the Secretary of State from the political subdivisions shall be deposited in such fund. Any money in the Records Management Cash Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1269.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1039 in the Journal. No objections. So ordered.

AM1765

1. Insert the following new section:

"Sec. 5. (1) Whenever, in the opinion of the Director of Banking and Finance, any director or officer of a financial institution has (a) committed any violation of law, rule, or regulation or an order of the Director of Banking and Finance which has become final, (b) engaged or participated in any unsafe or unsound practice in connection with a financial institution, or (c) committed or engaged in any act, omission, or practice which constitutes a breach of his or her fiduciary duty as such director or officer, and the Director of Banking and Finance determines that (i) the financial institution has suffered or will probably suffer substantial financial loss or other damage, (ii) the interests of its depositors could be seriously prejudiced by reason of such violation, practice, or breach of fiduciary duty, or (iii) the director or officer has received financial gain by reason of such violation, practice, or breach of fiduciary duty, and that such violation, practice, or breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer or one which demonstrates a willful or continuing disregard for the safety or soundness of the financial institution, the Director of Banking and Finance may serve upon such director or officer a written notice of his or her intention to remove such director or officer from office. A copy of such notice shall also be served upon the financial institution.

(2) Whenever any director or officer of a financial institution or other person participating in the conduct of the affairs of such financial institution is charged in any information, indictment, or complaint with the commission of an act or breach of trust which is punishable by imprisonment under state or federal

law, the Director of Banking and Finance may, if continued service or participation by the individual may pose a threat to the interests of the financial institution or threaten to impair public confidence in the financial institution, by written notice served upon such director, officer, or other person, suspend him or her from office or prohibit him or her from further participation in any manner in the conduct of the affairs of the financial institution. A copy of such notice shall also be served upon the financial institution.

(3) With respect to any director or officer of a financial institution or any other person referred to in subsection (1) or (2) of this section, the Director of Banking and Finance may, if he or she deems it necessary for the protection of the financial institution or the interests of its depositors, by written notice to such effect served upon such director, officer, or other person, suspend him or her from office or prohibit him or her from further participation in any manner in the conduct of the affairs of the financial institution. Such suspension or prohibition shall become effective upon service of such notice unless stayed by a court or unless otherwise provided in the order. Copies of any such notice shall also be served upon the financial institution of which he or she is a director or officer or in the conduct of whose affairs he or she has participated.

(4) A notice of intention to remove a director, officer, or other person from office or to prohibit his or her participation in the conduct of the affairs of a financial institution shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon. Such hearing shall be fixed for a date not earlier than ten days nor later than sixty days after the date of service of such notice unless an earlier or a later date is set by the Director of Banking and Finance at the request of (a) such director, officer, or other person and for good cause shown or (b) the Attorney General. Unless such director, officer, or other person shall appear at the hearing in person or by a duly authorized representative, he or she shall be deemed to have consented to the issuance of an order of such removal or prohibition. In the event of such

consent, or if upon the record made at any such hearing the Director of Banking and Finance shall find that any of the grounds specified in such notice have been established, the Director of Banking and Finance may issue such orders of suspension or removal from office or prohibition from participation in the conduct of the affairs of the financial institution, as may be appropriate.

(5) For purposes of this section:

(a) Financial instituion shall mean a bank, trust company, building and loan association, industrial loan and investment company, cooperative credit union, or other similar entity which is licensed, regulated, or examined by the Department of Banking and Finance;

(b) Officer shall mean an employee or officer of a financial institution with mangagement functions; and

(c) Director shall include an advisory or honorary director, any person who has a representative or nominee serving in any such capacity, or any person acting in a capacity similar to that of a director of a corporation formed under the Nebraska Business Corporation Act.

(6) Any person who violates any of the provisions of a final order issued by the Director of Banking and Finance shall be liable to any person or entity who suffers damage proximately caused by such violation. Any person who knowingly violates any final order issued by the Director of Banking and Finance as provided in this section shall be guilty of a Class IV felony.".

2. Renumber remaining sections accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1011 in the Journal. No objections. So ordered.

AM1763

1. Insert the following new section:

"Sec. 25. An officer, director, agent, or employee of a bank, trust company, building and loan association, industrial loan and investment company, cooperative credit union, credit union, or other similar entity which is licensed, regulated, or examined, by the Department of Banking and Finance, who willfully misapplies any of the money, funds, or credits of any such entity or any money, funds, assets, or securities entrusted to the care or custody of such entity or the custody or care of any such officer, director, agent, or employee shall be guilty of a Class IV felony.”.

2. Renumber remaining sections accordingly.

MOTION - Proposed Rules Changes

Mrs. Higgins offered the following proposed Rules change:
Rule 3, Section 3(a)
Sec. 3. Standing Committees. (a) The Standing Committees of the Legislature shall be as follows:

Administrative Rules and Regulations Review	7 members
Agriculture and Environment	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Constitutional Revision and Recreation	7 members
Education	8 members
Government, Military and Veterans Affairs	8 members
Judiciary	8 members
Miscellaneous Subjects	8 members
Public Health and ~~Welfare~~ Social Services	7 members
Public Works	8 members
Revenue	8 members
Urban Affairs	8 members

Referred to the Rules Committee.

Mrs. Higgins offered the following proposed Rules change:
Rule 1, Sec. 6:
Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairman of the Legislative Council
Chairman of the Committee on Committees
Chairman of Committee on Judiciary
Chairman of Committee on Government, Military and Veterans Affairs
Chairman of Committee on Appropriations
Chairman of Committee on Revenue
Chairman of Committee on Education
Chairman of Committee on Banking, Commerce and Insurance
Chairman of Committee on Public Works
Chairman of Committee on Agriculture and Environment
Chairman of Committee on Public Health and ~~Welfare~~ Social Services
Chairman of Committee on Miscellaneous Subjects

Chairman of Committee on Business and Labor
Chairman of Committee on Urban Affairs
Chairman of Committee on Constitutional Revision and Recreation

Referred to the Rules Committee.

Mr. Fenger offered the following proposed Rules change:
Rule 3, Section 6(a) as follows:

After consultation with the Speaker, the Committee on Committees shall publish a schedule of Standing Committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing Committees shall meet at ~~2:00 p.m.~~ 1:30 p.m. on weekdays, unless otherwise approved by the Legislature.

Referred to the Rules Committee.

Mr. Fenger offered the following proposed Rules change:
Amend RULE 3, Sec 6:
Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. ~~Standing committees shall meet at 2:00 p.m. on weekdays, unless otherwise approved by the Legislature.~~

Referred to the Rules Committee.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 700A. By Labedz, 5th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 700, Eighty-eighth Legislature, Second Session, 1984.

MOTION - Withdraw LB 1090

Mr. Chambers moved to withdraw LB 1090.

Laid over.

MOTION - Place LR 228 on General File

Mr. V. Johnson moved to place LR 228 on General File notwithstanding the actions of the Constitutional Revision and

Recreation Committee.

Laid over.

VISITORS

Visitors to the Chamber were Mr. Tom Michels, Kearney; Senator Goll's son, Mr. James Goll, Jr., Tekamah; Fr. Robert Hupp, Omaha; fifty-three Farm Bureau members, Mr. Bryce Neidig, and Richard Goodding.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Rupp, the Legislature adjourned until 9:00 a.m., Thursday, January 26, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 26, 1984

LEGISLATIVE JOURNAL

SIXTEENTH DAY - JANUARY 26, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 26, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. John Haberman, St. Paul's Lutheran Church, Winside, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Harris who was excused; and Messrs. Jacobson, V. Johnson, Landis, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Agriculture & Environment

Governor's Appointments Thursday, February 2, 1984 1:30 p.m.
Dennis Grams
Ronald Kelly
M.E. "Bus" Whitehead
Allen Kreuscher
Don D. Hutchens
Bill Miller
Phil James
Dave Sands
Dr. Steve Thomas
Jim George
Dewey Anderson

LB 1042	Thursday, February 2, 1984	1:30 p.m.
LB 953	Thursday, February 2, 1984	
LB 1058	Thursday, February 2, 1984	
LB 1059	Thursday, February 2, 1984	
LB 1064	Thursday, February 9, 1984	1:30 p.m.
LB 1005	Thursday, February 9, 1984	
LB 1083	Friday, February 10, 1984	1:30 p.m.
LB 742	Friday, February 10, 1984	
LB 1078	Friday, February 10, 1984	

(Signed) Rex Haberman, Chairperson

STANDING COMMITTEE REPORT
Agriculture & Environment

LEGISLATIVE BILL 767. Placed on General File as amended.
Standing Committee amendments to LB 767:
AM1735

1. Strike the original sections and insert new sections as follows:

“Section 1. This act shall be known and may be cited as the Petroleum Products Act.

Sec. 2. For purposes of the Petroleum Products Act, unless the context otherwise requires:

(1) Department shall mean the Department of Agriculture or its authorized agents;

(2) Motor fuel shall mean gasoline, case head or natural gasolines, benzol, naphtha, gas substances or energies regardless of their composition or properties, diesel fuel oils or other liquids used in diesel engines, any other liquid prepared, advertised, offered for sale, sold for use as, or used for the generation of power of an internal combustion engine, and blended gasolines obtained by blending together any one or more products of petroleum with or without other products if the resulting product is capable of the generation of power in an internal combustion engine;

(3) Alcohol-blend shall mean a blend of one part or less alcohol to nine parts or more gasoline; and

(4) Alcohol shall mean ethanol or cosolvents combined with methanol.

Sec. 3. The department may make or cause to be made all necessary examinations and shall have authority to adopt and promulgate such rules and regulations as are necessary to promptly and effectively enforce the Petroleum Products Act.

Sec. 4. The department may inspect and test motor fuel and other products of petroleum manufactured, used, sold, or offered for sale in this state for the powering of internal combustion engines. The department shall have access to all books, papers, records, bills of lading, invoices, and other pertinent data relating to the use, sale, exposure for sale, and importing or transporting for sale of such products within the State of Nebraska. The department shall be authorized to take official samples in an amount necessary for thorough inspection and analysis. To carry out its duties under this section, the department may contract with other state agencies and persons in the private sector for the sampling, transportation, and analysis of official samples for compliance with the Petroleum Products Act.

Sec. 5. The department may adopt and promulgate rules and regulations setting forth specifications and tolerance requirements for motor fuels. Insofar as practical, the department may use the current standards of the American Society of Testing Materials Standards for Specifications for Automotive Gasolines D439 and Standard Specifications for Diesel Fuels D975.

Sec. 6. Alcohol-blended fuels may be analyzed by type of alcohol and percentage by volume. The department may set standards for alcohol blends. All alcohol-blended gasolines shall meet standard specifications for automotive gasolines, D439 of the American Society for Testing Materials.

Sec. 7. If after any product is inspected under the Petroleum Products Act, such product fails to meet the requirements for legal sale within this state, an order to stop sale may be issued by the department pending further investigation and disposition. Failure to comply with the order shall be a violation of this section.

Sec. 8. No person, firm, or corporation shall manufacture, have possession with intent to sell, offer, and expose for sale, sell, or deliver any gasoline or diesel oil as a motor fuel which does not conform to the American Society of Testing Material Specifications D439 and D975, as adopted. The department may adopt a change in technical specifications as set forth by the American

Society of Testing Materials, and adopt any interim or emergency changes in specifications set forth by the American Society of Testing Materials. The department shall have the authority to determine which analyses will be conducted in accordance with specifications D439 and D975 on each sample submitted.

Sec. 9. All persons, firms, or corporations which sell, offer for sale, or expose for sale, motor fuel and use advertising pricing signs shall, in addition to the product identity and price per unit of measure, display all other conditions of the sale.

Sec. 10. Motor fuel dispensers shall be labeled on both faces with the product identity using the most descriptive terms commercially practicable. In addition, all alcohol-blended fuel dispensers shall have a label stating with or containing ethanol, methanol, or ethanol and methanol or similar wording, if the motor fuel being dispensed contains one per cent or more by volume of an alcohol blend.

Sec. 11. It shall be unlawful for a person, firm, corporation, or any employee thereof to store, sell, expose for sale, or offer for sale any motor fuel, or other petroleum product in any manner which deceives, tends to deceive, or has the effect of deceiving the purchaser as to the nature, quality, kind, or identity of the product so sold or offered for sale.

Sec. 12. Any person, firm, or corporation who violates any of the provisions of the Petroleum Products Act, any rule or regulation adopted and promulgated under such act, or any order of the department after such order has become final or upon termination of any review proceeding when the order has been sustained by a court of law, shall be guilty of a Class III misdemeanor. Each day of continued violation shall constitute a separate offense.

Sec. 13. The Petroleum Products Act shall terminate on December 31, 1985, and each section shall be repealed in its entirety along with all amendments unless reinacted or reestablished by the Legislature.".

(Signed) Rex Haberman, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 710. Placed on Select File as amended.

E & R amendment to LB 710:
AM5217

1. On page 3, lines 1 and 13; page 5, lines 25, 26, and 27; page 6, line 8; and page 7, line 26, strike the comma and show as stricken.

LEGISLATIVE BILL 733. Placed on Select File as amended.
E & R amendments to LB 733:
AM5215

1. On page 1, line 2, strike "and" and insert a comma and after "60-332," insert "and 60-403.07 to 60-403.09,"; and in line 9 after the semicolon insert "to eliminate provisions relating to class C licenses; to harmonize provisions;".

2. On page 2, line 8, strike "(a)" and insert "(1)"; in line 10 strike "(b)" and insert "(2)"; and in line 13 strike "(c)" and insert "(3)".

3. On page 5, line 13, after "truck" insert an underscored comma.

4. In the Beyer amendment, AM1730, adopted January 20, 1984:

a. On page 1, line 11, after "truck-tractor" insert an underscored comma; and

b. On page 3, line 6, after the quotation marks insert "and" and strike the comma; and in line 7 strike "60-403.08, and" and insert "to".

LEGISLATIVE BILL 734. Placed on Select File.

LEGISLATIVE BILL 748. Placed on Select File as amended.
E & R amendment to LB 748:
AM5216

1. On page 2, line 5, strike the first comma and show as stricken; and remove the underscoring from the matter beginning with "and" in line 5 through "in" in line 10.

LEGISLATIVE BILL 896. Placed on Select File as amended.
E & R amendment to LB 896:
AM5218

1. On page 1, line 1, after the semicolon insert "to eliminate such committees; and"; and strike beginning with the semicolon in line 3 through "committees" in line 4.

LEGISLATIVE BILL 723. Placed on Select File as amended.

E & R amendment to LB 723:
AM5219

1. On page 2, line 12, strike the comma.

LEGISLATIVE BILL 130. Placed on Select File as amended.
E & R amendments to LB 130:
AM5220

1. Because of the amendment of section 81-502 by Laws 1983, LB 498, section 5, strike original section 15 and all amendments thereto and insert:

"Sec. 15. That section 81-502, Revised Statutes Supplement, 1983, be amended to read as follows:

81-502. (1) It shall be the duty of the State Fire Marshal, under authority of the Governor:

(a) To enforce all laws of the state relating to the suppression of arson and investigation of the cause, origin, and circumstances of fires;

(b) To promote safety and reduce loss by fire;

(c) To make an investigation for fire safety of the premises and facilities of:

(i) Liquor establishments for which a license or renewal of a license is sought, upon request of the Nebraska Liquor Control Commission, pursuant to section 53-119.01;

(ii) Licensed child care facilities or applicants for licenses for child care facilities, upon request by the Department of Social Services, pursuant to section 71-1903;

(iii) Licensed providers of early childhood programs or applicants for licenses to provide such programs, upon request of the Department of Social Services, pursuant to section 6 of this act. The State Fire Marshal shall report the results of the investigation to the department within thirty days after receipt of the request from the department;

(iv) Licensed hospitals, skilled nursing facilities, intermediate care facilities one, intermediate care facilities two, or other facilities or institutions which are mentioned in subdivision (1) of section 71-2017, or applicants for licenses for such facilities or institutions, upon request by the Department of Health, pursuant to section 71-2022; and

~~(iv)~~ (v) Mobile home parks for which a license or renewal of a license is sought, upon request of the

Department of Health, pursuant to section 71-4635; and

(d) After a careful study and investigation of relevant data bearing thereon, to promulgate, alter, and enforce rules and regulations covering:

(i) The prevention of fires;

(ii) The storage, sale, and use of flammable liquids, combustibles, and explosives;

(iii) Electric wiring and heating, protection equipment devices, materials, furnishings, and other safeguards within the structure necessary to promote safety and reduce loss by fire, and the means and adequacy of exits, in case of fire, in assembly, educational, institutional, residential, mercantile, office, storage, and industrial-type occupancies as such structures are defined in the National Fire Protection Association, Pamphlet Number 101 and associated pamphlets, and all other buildings, structures, and enclosures in which numbers of persons congregate from time to time for any purpose whether privately or publicly owned;

(iv) Design, construction, location, installation, and operation of equipment for storing, handling, and utilization of liquefied petroleum gases, specifying the odorization of such ~~said~~ gases and the degree thereof; and

(v) Chemicals, prozylin plastics, X-ray nitrocellulose films, or any other hazardous material that may now or hereafter exist.

(2) The State Fire Marshal may enter into contracts with private individuals~~,~~ or other agencies, boards, commissions, or governmental bodies for the purpose of carrying out his or her duties and responsibilities pursuant to sections 81-502 to 81-552 and 81-5,115 to 81-5,146.

(3) The State Fire Marshal may delegate the authority set forth in this section to qualified local fire prevention personnel. The State Fire Marshal may overrule a decision, act, or policy of the local fire prevention personnel. When the State Fire Marshal overrules the local personnel, such local personnel may follow the appeals procedure established by sections 81-502.01 to 81-502.03. Such delegation of authority may be revoked by the State Fire Marshal for cause upon thirty days' notice after hearing.

(4) The State Fire Marshal, first assistant

fire marshal, and deputies shall have such other powers and perform such other duties as are set forth in sections 81-501.01 to 81-531 ~~and this act,~~ and as may be conferred and imposed by law.

(5) The rules and regulations adopted pursuant to subdivision (1)(d) of this section may conform generally to the standards recommended by the National Fire Protection Association, Pamphlet Number 101, known as the Life Safety Code, and associated pamphlets, but not when doing so would impose an unduly severe or costly burden without substantially contributing to safety of persons or property. This section and the rules and regulations adopted pursuant to subdivision (1)(d) of this section shall apply to existing as well as new buildings, structures, and enclosures. Such rules and regulations shall also apply to sites or structures in public ownership listed on the National Register of Historic Places but without destroying the historic quality thereof.

(6) Plans for compliance with the rules and regulations adopted pursuant to subdivision (1)(d) of this section shall be reviewed by the State Fire Marshal.”.

2. On page 1, line 1, after the semicolon insert “to amend sections 71-901 and 71-1901, Reissue Revised Statutes of Nebraska, 1943, section 71-1902, Revised Statutes Supplement, 1982, and section 81-502, Revised Statutes Supplement, 1983;”; in line 2 after “facilities” insert “as prescribed”; in line 3 after “define” insert “and redefine” and after the second “provide” insert “powers and”; strike beginning with “to” in line 6 through the semicolon in line 9; and in line 10 strike “to redefine a term;”.

3. On page 2, line 14, strike the comma; in line 18 strike “purposes” and insert “purpose”; and in line 19 strike “are” and insert “is”.

4. On page 3, line 2, strike “Public”; and in line 3 strike “Welfare” and insert “Social Services”; and in line 8 after “day” insert an underscored comma.

5. On page 5, line 6, after “made” insert an underscored comma.

6. On page 6, line 14, after “4” insert “of this act”.

7. On page 7, line 9, after “occurred” insert an underscored comma; in line 11 strike “provisions” and

insert “provision”; in line 14 strike “sections” and insert “section”; and in line 17 strike “in” and insert “at”.

8. On page 8, line 11, strike “health” and insert “physical well- being”.

9. On page 9, line 3, after “to” insert “such”; and in line 4 strike “1 to 11 of this act”.

10. On page 10, line 23, strike the last comma and show as stricken.

11. On page 18, line 1, strike “and”; in line 2 strike “sections” and insert “section” and strike “and 81-502”; and in line 3 after the second comma insert “and section 81-502, Revised Statutes Supplement, 1983,”.

12. In the Newell amendment adopted January 18, 1984, add underscoring to all matter in quotation marks.

13. In the V. Johnson amendment adopted January 18, 1984, strike “this Act” and insert “sections 1 to 11 of this act”; and add underscoring to the matter in quotation marks as appropriate.

14. In the DeCamp amendment adopted January 20, 1984, add underscoring to all matter in quotation marks.

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARING
Constitutional Revision & Recreation

LR 235CA	Thursday, February 2, 1984	1:30 p.m.
LR 242CA	Thursday, February 2, 1984	1:30 p.m.
LR 237CA	Thursday, February 2, 1984	1:30 p.m.
LR 236CA	Thursday, February 2, 1984	1:30 p.m.
LR 233CA	Friday, February 3, 1984	1:30 p.m.
LR 232CA	Friday, February 3, 1984	1:30 p.m.
LR 244CA	Friday, February 3, 1984	1:30 p.m.
LR 245CA	Thursday, February 9, 1984	1:30 p.m.
LB 1081	Thursday, February 9, 1984	1:30 p.m.
LB 1092	Thursday, February 9, 1984	1:30 p.m.
LR 248CA	Friday, February 10, 1984	1:30 p.m.

LB 1001	Friday, February 10, 1984	1:30 p.m.
LR 247CA	Friday, February 10, 1984	1:30 p.m.

(Signed) Bernice Labedz, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 832. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 851 in the Journal. No objections. So ordered.

AM1772

1. On page 6, line 3, strike "shall" and insert "may".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 49.

A BILL FOR AN ACT to amend sections 70-620, 70-620.01, and 70-624.02, Reissue Revised Statutes of Nebraska, 1943, and section 70-624, Revised Statutes Supplement, 1982, relating to public power districts; to change provisions for officers and employees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barrett	Beyer	Carsten	Chronister	Clark
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner

Withem

Voting in the negative, 3:

Abboud
Schmit
Wesely

Present and not voting, 2:

Beutler
Chambers

Excused and not voting, 3:

Harris
Jacobson
Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 189.

A BILL FOR AN ACT relating to public defenders; to amend sections 29-1804, 29-1804.03, 29-1804.05, and 29-1804.07, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to which counties have public defenders; to impose certain restrictions on public defenders as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
DeCamp
Fenger
Goll
Goodrich
Haberman
Hannibal
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 1:

Pappas

Present and not voting, 1:

Eret

Excused and not voting, 3:

Harris	Jacobson	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 368.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-305, 17-108.02, and 17-209.02, Reissue Revised Statutes of Nebraska, 1943; to provide requirements and limitations for certain officers; to change provisions relating to employment; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Withem				

Voting in the negative, 0.

Excused and not voting, 3:

Harris	Jacobson	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 373.

A BILL FOR AN ACT relating to probate; to amend section 30-2408, Reissue Revised Statutes of Nebraska, 1943, section 33-126.03, Revised Statutes Supplement, 1982, and section 33-125, Revised Statutes Supplement, 1983; to change a limitation on certain proceedings; to change provisions relating to fees as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Hefner Higgins Hoagland Johnson, L. Johnson, R.
Kahle Kilgarin Labedz Lamb Landis
Lundy Marsh McDonald Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Schmit Scofield Sieck
Vickers Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 3:

Harris Jacobson Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Speaker Nichol moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of the remaining bills on final reading.

The motion prevailed with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 216.

A BILL FOR AN ACT relating to county retirement systems; to amend sections 23-2301, 23-2306, and 23-2319, Reissue Revised Statutes of Nebraska, 1943, and section 23-1118, Revised Statutes Supplement, 1982; to change provisions relating to which counties may provide benefits; to redefine a term; to change membership and benefit provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Barrett Beyer Chronister DeCamp Fenger
Goll Goodrich Haberman Hannibal Higgins
Hoagland Johnson, R. Kilgarin Labedz Landis
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Rupp Schmit Scofield
Sieck Vickers Wagner Warner Wesely
Withem

Voting in the negative, 11:

Abboud Carsten Clark Hefner Kahle
Lamb Lundy Peterson, R. Pirsch Remmers
Von Minden

Present and not voting, 4:

Beutler Chambers Eret Johnson, L.

Excused and not voting, 3:

Harris Jacobson Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 218 to Select File

Messrs. Wesely and Goodrich moved to return LB 218 to Select File for the following specific amendment:
AM1762

(Amendments to Final Reading Copy)

1. On page 1, line 3, strike the first "and"; and in line 4 after "1982" insert ", and section

79-1056, Revised Statutes Supplement, 1983".

2. Insert the following new section:

"Sec. 3. That section 79-1056, Revised Statutes Supplement, 1983, be amended to read as follows:

79-1056. (1) If, at any future time, a majority of the eligible members of the system shall vote to be included under an agreement providing old age and survivors insurance under the Social Security Act of the United States, the contributions to be made by the member and the district for membership service, from and after the effective date of the agreement with respect to services performed subsequent to December 31, 1954, shall each be reduced from five to three per cent but not less than three per cent of the member's salary per annum, and the credits for membership service under this system, as provided in section 79-1044, shall thereafter be reduced from one and one half per cent to nine-tenths of one per cent and not less than nine-tenths of one per cent of salary or wage earned by the member during each fiscal year, and from one and sixty-five hundredths per cent to one per cent and not less than one per cent of salary or wage earned by the member during each fiscal year and from two per cent to one and two-tenths per cent of salary or wage earned by the member during each fiscal year, and from two and four-tenths per cent to one and forty-four hundredths per cent of salary or wage earned by the member during each fiscal year, except ~~; PROVIDED,~~ that after September 1, 1963, and prior to September 1, 1969, all employees of the district shall contribute an amount equal to the membership contribution which shall be two and three-fourths per cent of salary covered by old age and survivors insurance, and five per cent above that amount. Commencing September 1, 1969, all employees of the district shall contribute an amount equal to the membership contribution which shall be two and three-fourths per cent of the first seven thousand eight hundred dollars of salary or wages earned each fiscal year and five per cent of salary or wages earned above that amount in the same fiscal year. Commencing September 1, 1976, all employees of the district shall contribute an amount equal to the membership contribution which shall be two and nine-tenths per cent of the first seven thousand eight hundred dollars of salary or wages earned each fiscal year and five and twenty-five hundredths per cent of salary or wages earned above that amount in the same fiscal year. Commencing on September 1, 1982, all employees of the district shall contribute an amount equal to the membership contribution which shall be four and nine-tenths per cent of the compensation earned in each fiscal year, and the contributions by the district shall be such amount as may be necessary to maintain the solvency of the system, as determined annually by the board upon recommendation of the actuary and the trustees. The employee's contribution shall be made in the form of a monthly deduction from compensation as provided in subsection (2) of this section. Every employee who is a member of the system shall be deemed to consent and agree to such deductions, and shall receipt in full for compensation, and payment to such employee of compensation less such deduction shall constitute a full and complete discharge of all claims and demands whatsoever for services rendered by such employee during the period covered by such payment, except as to benefits provided under sections 79-1032 to 79-1060. After September 1, 1963, and prior to September 1, 1969, all employees shall be credited with a membership service annuity which shall be nine-tenths of one per cent of salary or wage covered by old age and survivors insurance, and one and one half per cent of salary or wages above that amount, except that those employees who retire on or after August 31, 1969, shall be credited with a membership service annuity which shall be one per cent of salary or wages covered by old age and survivors insurance, and one and sixty-five hundredths per cent of salary or wages above that amount for service performed after September 1, 1963, and prior to September 1, 1969. Commencing September 1, 1969, all employees shall be credited with a membership service annuity which shall be one per cent of the first seven thousand eight hundred dollars of salary or wages earned by the employee during each fiscal year and one and sixty-five hundredths per cent of salary or wages earned above that amount in the same fiscal year, except ~~;~~ ~~PROVIDED FURTHER,~~ that all employees retiring on or after August 31, 1976, shall be credited with a membership service annuity which shall be one and forty-four hundredths per cent of the first seven thousand eight hundred dollars of salary or wages earned by the employee during such fiscal year and two and four-tenths per cent of salary or wages earned above that amount in the same fiscal year and ~~; AND PROVIDED FURTHER, that~~ the retirement annuities of employees who have not retired prior to September 1, 1963, and who elected under the provisions of section 79-1041 not to become members of the system, shall not be less than they would have been had they remained under any preexisting system to date of retirement. Members of this system having the service qualifications of members of the state school retirement system, as provided by section 79-1515, shall receive the state service annuity provided by sections 79-1522 to 79-1523.

(2) The district shall pick up the employee contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the United States Internal Revenue Code, except that the district shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service, or the federal courts, rule that, pursuant to section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The district shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The district shall pick up these contributions by a salary deduction either through a reduction in the cash salary of the employee or a combination of a reduction in salary and offset against a future salary increase. Employee contributions picked up shall be treated for all purposes of sections 79-1032 to 79-1060 in the same manner and to the extent as employee contributions made prior to the date picked up.".

3. On page 13, line 1, strike "and"; and in line 3 after the comma insert "and section 79-1056, Revised Statutes Supplement, 1983,".

4. Renumber original sections 3 to 5 as sections 4 to 6, respectively.

The motion to return prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 218. The Wesely-Goodrich specific amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 226.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Department of Public Institutions to convey certain land to the Northeast Technical Community College Area and to the city of Grand Island, Hall County; to provide for the disposition of the proceeds; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Hefner	Hoagland	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 1:

Higgins

Present and not voting, 3:

Beutler	Chambers	DeCamp

Excused and not voting, 3:

Harris
Jacobson
Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 300.

A BILL FOR AN ACT to amend section 21-2074, Reissue Revised Statutes of Nebraska, 1943, and section 21-2079, Revised Statutes Supplement, 1982, relating to corporations; to change requirements for corporate mergers as prescribed; to provide for shareholder's dissent as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Harris
Jacobson
Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 333. With Emergency.

A BILL FOR AN ACT relating to schools; to provide the governing board of a school district with certain contract powers; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud Barrett Beyer Carsten Chronister
Clark DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Hefner Higgins
Hoagland Johnson, L. Johnson, R. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 3:

Harris Jacobson Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 403.

A BILL FOR AN ACT relating to criminal investigations; to amend sections 28-430, 28-434, 28-1439, and 81-2004, Reissue Revised Statutes of Nebraska, 1943; to transfer duties relating to the analysis of controlled substances; to provide duties; to create a cash fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Present and not voting, 1:

Remmers

Excused and not voting, 3:

Harris	Jacobson	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 403A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 403, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Barrett	Carsten	Chambers	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Johnson, L.	Johnson, R.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
McDonald	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Present and not voting, 3:

Beutler Beyer Schmit

Excused and not voting, 3:

Harris Jacobson Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 510.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101 and 43-109, Reissue Revised Statutes of Nebraska, 1943, and sections 43-102 and 43-104, Revised Statutes Supplement, 1983; to allow the adoption of certain adults; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Fenger
Goll Goodrich Haberman Hannibal Hefner
Higgins Hoagland Johnson, L. Johnson, R. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Wagner Warner Wesely Withem

Voting in the negative, 1:

Von Minden

Present and not voting, 1:

Eret

Excused and not voting, 3:

Harris Jacobson Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 540.

A BILL FOR AN ACT relating to disabled persons; to amend sections 14-564, 23-321, 23-323, 70-637, and 81-153, Reissue Revised Statutes of Nebraska, 1943, and sections 16-321 and 17-568.01, Revised Statutes Supplement, 1983; to define a term; to allow certain public bodies to negotiate directly with sheltered workshops for products and services as prescribed; to harmonize provisions; to provide a penalty; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Johnson, L.	Johnson, R.	Kahle	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	Kilgarin

Excused and not voting, 3:

Harris	Jacobson	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 564.

A BILL FOR AN ACT relating to the Nebraska Transportation Advisory Committee; to eliminate the committee and its duties; and to repeal sections 50-421 and 50-422, Revised Statutes Supplement, 1982.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Chambers
Fenger
Hefner
Kahle
Lundy
Nichol
Remmers
Von Minden
Barrett
Chronister
Goll
Higgins
Kilgarin
Marsh
Pappas
Rupp
Wagner
Beutler
Clark
Goodrich
Hoagland
Labedz
McDonald
Peterson, H.
Schmit
Warner
Beyer
DeCamp
Haberman
Johnson, L.
Lamb
Morehead
Peterson, R.
Scofield
Wesely
Carsten
Eret
Hannibal
Johnson, R.
Landis
Newell
Pirsch
Vickers
Withem

Voting in the negative, 1:

Sieck

Excused and not voting, 3:

Harris
Jacobson
Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 719 to Select File

Mr. Wesely moved to return LB 719 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Wesely asked unanimous consent to withdraw his pending motion to return to Select File. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved to return LB 719 to Select File for the following specific amendment:
Strike the enacting clause.

The Chambers motion lost with 1 aye, 27 nays, 17 present and not

voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 719. With Emergency.

A BILL FOR AN ACT relating to vehicles; to amend section 60-311.02, Revised Statutes Supplement, 1982; to provide for the issuance of temporary license plate renewal tabs as prescribed; to change provisions relating to license plates for tax exempt motor vehicles; to provide a termination date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Beyer Carsten
Chronister DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Hefner Higgins
Hoagland Johnson, L. Johnson, R. Kahle Kilgarin
Labedz Lamb Landis Marsh McDonald
Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Schmit
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Lundy

Excused and not voting, 4:

Clark Harris Jacobson Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

NOTICE OF COMMITTEE HEARINGS
Special Commonwealth Committee

LB 1028	Tuesday, February 7, 1984 **On Weselyan University Campus	7-10 p.m.
LB 926	Thursday, February 9, 1984	7 p.m.
LB 996	Thursday, February 9, 1984	7 p.m.
LB 1026	Thursday, February 9, 1984	7 p.m.
LB 1027	Thursday, February 9, 1984	7 p.m.

(Signed) Vard Johnson, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 25, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Blake, William G. - Lincoln, City of Lincoln
Cutshall, Bruce A. - Lincoln, Nebraska Livestock Feeders Association
Kunz, David - Lincoln, Noren, Charles F.
Lombardi, Richard - Lincoln, Nebraska Dental Assistants Association
Whelan, Gerald T. - Hastings, Tews & Radcliffe
Zwisler, Carl E., III - Washington, D.C. International Franchise Association (Withdrawn 10/31/83)

NOTICE OF COMMITTEE HEARINGS
Education

LB 908	Monday, February 6, 1984	1:30 p.m.
LB 1009	Monday, February 6, 1984	1:30 p.m.
LB 1087	Monday, February 6, 1984	1:30 p.m.
LB 1088	Monday, February 6, 1984	1:30 p.m.
LB 1098	Monday, February 6, 1984	1:30 p.m.
LB 942	Monday, February 6, 1984	1:30 p.m.
LB 931	Tuesday, February 7, 1984	1:30 p.m.
LB 938	Tuesday, February 7, 1984	1:30 p.m.
LB 1065	Tuesday, February 7, 1984	1:30 p.m.
LB 952	Tuesday, February 7, 1984	1:30 p.m.

LB 1093	Tuesday, February 7, 1984	1:30 p.m.
LB 1036	Tuesday, February 7, 1984	1:30 p.m.
LB 1035	Tuesday, February 7, 1984	1:30 p.m.
LB 642	Monday, February 13, 1984	1:30 p.m.
LB 698	Monday, February 13, 1984	1:30 p.m.
LB 930	Monday, February 13, 1984	1:30 p.m.
LB 844	Monday, February 13, 1984	1:30 p.m.
LB 815	Monday, February 13, 1984	1:30 p.m.
LB 1030	Tuesday, February 14, 1984	1:30 p.m.
LB 1057	Tuesday, February 14, 1984	1:30 p.m.
LB 982	Tuesday, February 14, 1984	1:30 p.m.
LB 740	Tuesday, February 14, 1984	1:30 p.m.
LB 781	Tuesday, February 14, 1984	1:30 p.m.
LB 850	Tuesday, February 21, 1984	1:30 p.m.
LB 997	Tuesday, February 21, 1984	1:30 p.m.
LB 957	Tuesday, February 21, 1984	1:30 p.m.
LB 1097	Tuesday, February 21, 1984	1:30 p.m.
LB 1051	Tuesday, February 21, 1984	1:30 p.m.
LB 914	Monday, February 27, 1984	1:30 p.m.
LB 924	Monday, February 27, 1984	1:30 p.m.
LB 872	Monday, February 27, 1984	1:30 p.m.
LB 1029	Monday, February 27, 1984	1:30 p.m.
LB 999	Monday, February 27, 1984	1:30 p.m.
LB 1089	Monday, February 27, 1984	1:30 p.m.
LB 1074	Tuesday, February 28, 1984	1:30 p.m.
LB 689	Tuesday, February 28, 1984	1:30 p.m.

(Signed) Tom Vickers, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 49, 189, 368, 373, 216, 226, 300, 333, 403, 403A, 510, 540, 564, and 719.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 697. Placed on General File.
LEGISLATIVE BILL 811. Placed on General File.

LEGISLATIVE BILL 658. Placed on General File as amended.
Standing Committee amendment to LB 658:
AM1778

1. On page 2, lines 18 and 22, strike "or visually".

LEGISLATIVE BILL 694. Placed on General File as amended.
Standing Committee amendment to LB 694:
AM1683

1. On page 2, strike beginning with "person" in line 22 through "violations" in line 23 and insert "person's driving record on file with the Department of Motor Vehicles does not contain any traffic violations, as described in section 39-669.26,".

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 252.

Introduced by Higgins, 9th District; Sieck, 24th District; Labedz, 5th District; L. Johnson, 15th District; Scofield, 49th District; Eret, 32nd District; Goll, 16th District; Wesely, 26th District.

WHEREAS, the W.K. Kellogg Foundation of Battle Creek, Michigan, awarded a forty-seven thousand seven hundred forty-five dollar grant to Creighton University in Omaha, Nebraska, on December 28, 1983, for the implementation of Creighton's On-line Multiple Medical Education Service System, a computer-based health science tutor; and

WHEREAS, the award to Creighton follows a nine hundred thirty-two thousand one hundred thirty-nine dollar grant from the foundation which was used to develop the computer system, which will be the first of its kind to provide world wide distribution of educational information, relating to the fields of nursing, medicine, and medical technology, to health professionals; and

WHEREAS, the W.K. Kellogg Foundation has distributed grants to other Nebraska colleges and universities, including: Central Technical Community College in Hastings, Nebraska; Chadron State College in Chadron, Nebraska; Concordia Teachers College in Seward, Nebraska; Dana College in Blair, Nebraska; Doane College in Crete, Nebraska; Hastings College in Hastings, Nebraska; Midland Lutheran College in Fremont, Nebraska; the University of Nebraska at Lincoln; the University of Nebraska at Omaha; Nebraska Wesleyan University in Lincoln, Nebraska; and Union College in Lincoln, Nebraska; and

WHEREAS, the W.K. Kellogg Foundation has provided grants totaling more than six million four hundred thousand dollars to Nebraska institutions since 1942 and grants throughout the world totaling more than seven hundred million dollars in support of programs in agriculture, education, and health since its inception in 1930.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature wish to express their appreciation to the foundation for its continuing commitment to improving the quality of life and to acknowledge the dedicated efforts and the achievements of the foundation.
2. That the members of the Legislature thank the foundation for its support of higher education, agriculture, and health in Nebraska.
3. That the Legislature endorses and lends its moral support to the foundation for its dedication to the task of providing the necessary means and opportunities to help people help themselves.
4. That a copy of this resolution be sent to the W.K. Kellogg Foundation.

Laid over.

SELECT FILE

LEGISLATIVE BILL 733. E & R amendments, AM5215, found in this day's Journal were adopted.

Mr. Vickers offered the following amendment:
AM1751

1. Insert the following new section:

"Section 1. That section 60-302, Revised Statutes Supplement, 1983, be amended to read as follows:

60-302. No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated on the highways of this state unless such vehicle is registered in accordance with the provisions of this act. Every owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has tax situs, as defined in section 77-1202. Such application shall be a copy of a certificate of title or, in the case of a renewal of a registration, such application shall be the previous registration period's certificate. A salvage certificate of title, as defined in section 60-129, shall not be valid for registration purposes. Any nonresident owner, who desires to register a vehicle or vehicles in this state, shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business. Each new application shall contain, in addition to such other information as may be required by the department, the name and post office address of the applicant, a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by this act. With such application, the applicant shall pay the proper registration fee, as provided in sections 60-305.08 to 60-342 and shall provide the following information with regard to the vehicle being registered: the type of fuel used to propel the vehicle, whether electricity, motor vehicle fuel as defined in section 66-401, or special fuel as defined in section 66-602, and if special fuel, the type of fuel. The form shall also contain a notice that bulk special or diesel fuel purchasers may be subject to federal excise tax liability. The Department of Motor Vehicles shall prescribe a form containing such notice and for supplying such information for vehicles to be registered on or after January 1, 1984. The county assessor shall include such form in each mailing made pursuant to section 77-1240. The county treasurer or his or her agent shall collect in addition to other registration fees, the sum of fifty cents for each and every certificate issued, which fee shall be transmitted by the county treasurer to the State Treasurer and shall, by the State Treasurer, be credited to the Highway Trust Fund.".

2. On page 6, line 15, strike "section" and insert "sections 60-302 and".

3. Renumber remaining sections accordingly.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Vickers amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

MR. LANDIS PRESIDING

LEGISLATIVE BILL 56. Considered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 558.

Mr. Wagner offered the following amendment to the DeCamp amendment:

Amend DeCamp amendment on page 558 of Legislative Journal on Line 6 strike beverages and insert "Liquor"

The Wagner amendment to the DeCamp amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud
Beutler
Carsten
DeCamp
Eret
Haberman
Hannibal
Higgins
Johnson, R.
Kilgarin
Landis
McDonald
Morehead
Newell
Pappas
Rupp
Schmit
Scofield
Sieck
Vickers
Wagner
Wesely
Withem

Voting in the negative, 21:

Beyer
Chambers
Chronister
Fenger
Goll
Goodrich
Hefner
Hoagland
Jacobson
Johnson, L.
Kahle
Lamb
Lundy
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Von Minden
Warner

Present and not voting, 1:

Labedz

Excused and not voting, 4:

Barrett
Clark
Harris
Johnson, V.

The DeCamp amendment lost with 23 ayes, 21 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mrs. Higgins, Mr. R. Johnson, and Ms. Scofield offered the following amendment:

On p. 3, reinstate the stricken matter in line 10, and strike the new matter in line 11.

Mrs. Labedz and Mr. R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

The Higgins-R. Johnson-Scofield amendment was adopted with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Speaker Nichol requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Barrett Beyer Chambers Chronister Fenger
Goll Goodrich Haberman Hefner Hoagland
Jacobson Johnson, L. Johnson, R. Kahle Kilgarin
Landis Lundy Marsh McDonald Morehead
Nichol Pappas Peterson, H. Pirsch Remmers
Schmit Scofield Von Minden Wagner Warner
Withem

Voting in the negative, 6:

Abboud Hannibal Newell Rupp Vickers
Wesely

Present and not voting, 7:

Beutler Carsten DeCamp Eret Higgins
Lamb Sieck

Excused and not voting, 5:

Clark Harris Johnson, V. Labedz Peterson, R.

Advanced to E & R for Engrossment with 31 ayes, 6 nays, 7 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 420. Placed on Select File as amended.
E & R amendments to LB 420:
AM5221

1. In the Beutler-Hoagland amendment, found on page 537 of the Journal, which was adopted January 23, 1984, on page 1, line 3, strike "and after 'who' "; in line 4 strike "insert ',' "; and in line 11 before the period insert quotation marks.

2. On page 2, line 12, after "or" insert "in"; and in line 14 strike the first comma.

LEGISLATIVE BILL 745. Placed on Select File as amended.
E & R amendment to LB 745:
AM5228

1. On page 11, line 20, after "services" insert an underscored comma.

LEGISLATIVE BILL 746. Placed on Select File.

LEGISLATIVE BILL 747. Placed on Select File as amended.
E & R amendments to LB 747:
AM5222

1. On page 1, line 1, strike "section" and insert "sections 48-605, 48-606.01," and after the comma insert "48-611, and 48-662,"; in line 4 after the semicolon insert "to eliminate provisions relating to the Division of Employment of the Department of Labor;" and after "for" insert "certain"; and in line 5 strike "Division of Employment" and insert "department".

2. On page 3, line 13, strike "Federal" and show as stricken.

3. On page 5, in lines 18 and 19, strike the comma and show as stricken.

4. In the Standing Committee amendments, AM1713, adopted January 23, 1984, on page 5, in lines 3, 17, 20, 21, and 24, strike the comma and show as stricken; in line 19 strike "or" and show as stricken; in line 23 strike "or with" and show as stricken; and in line 24 after "state" insert an underscored comma.

LEGISLATIVE BILL 851. Placed on Select File as amended.
E & R amendment to LB 851:
AM5223

1. On page 5, line 10, after “industry” insert a comma; and in line 15 strike the period and insert a semicolon.

LEGISLATIVE BILL 643. Placed on Select File as amended.
E & R amendment to LB 643:
AM5224

1. On page 2, line 11, after “Nebraska” insert “, on the condition” and strike “~~; Provided,~~” and show as stricken.

LEGISLATIVE BILL 774. Placed on Select File as amended.
E & R amendments to LB 774:
AM5225

1. On page 1, line 2, after “insured” insert “; and to require certain reports”.
2. On page 2, line 13, strike “Department of Banking and Finance” and insert “department”.

LEGISLATIVE BILL 664. Placed on Select File.

(Signed) Rod Johnson, Chairperson

SPEAKER'S ANNOUNCEMENT

Speaker Nichol announced that the Senators individual priority bill will be due by Thursday, February 16, 1984. (29th leg. day)
Committee priority bills will also be due by Thursday, February 16, 1984. (29th leg. day)
Speakers' priority bills will be due by Tuesday, February 21, 1984. (30th leg. day)

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 416 and 416A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 416

The following changes, required to be reported for publication in the Journal, have been made:

ER0147

1. On page 1, the matter beginning with "to" in line 1 through the period in line 5 and all amendments thereto have been struck and "relating to public health; to amend sections 71-2017.02, 71-5901, and 71-5902, Reissue Revised Statutes of Nebraska, 1943, and sections 71-6038 and 71-6039, Revised Statutes Supplement, 1983; to state intent; to define and redefine terms; to provide requirements for care staff members; to provide for training as prescribed; to provide powers and duties; to allow certain unlicensed persons to administer medication; to change provisions relating to boarding homes; to provide for inspections; to harmonize provisions; to repeal the original sections; and to declare an emergency." has been inserted.

2. In the Fenger amendment, AM1653, adopted January 20, 1984:

a. On page 1, line 2, "2" has been struck and "8" inserted; in line 19 after "organizations" an underscored comma has been inserted; and in line 22 "3" has been struck and "9" inserted; and

b. On page 2, line 17, after "personnel" an underscored comma has been inserted.

3. In the Fenger amendment, AM1692, adopted January 20, 1984:

a. On page 1, line 2, "2" has been struck and "10" inserted; and in line 17 the second "of" has been struck and "or" inserted;

b. On page 3, line 3, "3" has been struck and "11" inserted; and

c. On page 5, line 1, "strike 'is' and" has been struck and "after the second comma" has been inserted; and in line 3 "are" has been struck.

4. In the Fenger amendment, AM1658, adopted January 20, 1984, on page 3, line 1, "2 to 7" has been struck and "1 to 6" inserted; in line 5 "sections 1 to 6 of" has been inserted after "of"; and in line 7 "sections 1 to 6 of" has been inserted after "enforce".

5. In the Higgins amendment adopted January 20, 1984, on page 1, line 2, "page 1," has been inserted after "on"; and underscoring has been added.

6. In the Chronister amendment adopted January 20, 1984, in amendment 1 " ~~majority~~ " has been struck and "majority" inserted; and the section added by amendment 2 has been numbered as section 13.

7. Original sections 1 and 2 of the bill have been renumbered as sections 7 and 12, respectively.

(Signed) Mary Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 56 in the Journal. No objections. So ordered.

1. Strike original section 6 and insert the

following new sections:

"Sec. 6. Sections 2 to 5 and 8 of this act shall not become operative until (1) the minimum age for the purchase, sale, and consumption of alcoholic liquors, except beer having an alcoholic content of three and two-tenths per cent or less, in all states adjacent to Nebraska is twenty-one years of age or older or (2) September 1, 1985, whichever occurs first.

Sec. 7. That original section 53-102, Revised Statutes Supplement, 1982, is repealed.

Sec. 8. That original sections 53-180.02, 53-180.04, and 53-180.05, Revised Statutes Supplement, 1982, and section 53-103, Revised Statutes Supplement, 1983, are repealed.".

2. Strike original standing committee amendments 2 and 3.

UNANIMOUS CONSENT - Expedite LB 733

Mr. Lamb asked unanimous consent that LB 733 be expedited. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 26, 1984, at 11:17 a.m., were the following bills: 49, 189, 368, 373, 216, 226, 300, 333, 403, 403A, 510, 540, 564, and 719.

(Signed) Jan Loder, Enrolling Clerk

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 147. Indefinitely postponed.
LEGISLATIVE BILL 709. Indefinitely postponed.

(Signed) Calvin Carsten, Chairperson

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 903	Monday, February 6, 1984	1:30 p.m.
LB 905	Monday, February 6, 1984	1:30 p.m.
LB 906	Monday, February 6, 1984	1:30 p.m.
LB 1041	Tuesday, February 7, 1984	1:30 p.m.

LB 780	Tuesday, February 7, 1984	1:30 p.m.
LB 904	Tuesday, February 7, 1984	1:30 p.m.

(Signed) George Fenger, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB's 49, 189, 368, 373, 226, 300, 333e, 403, 403A, 510, 540, 564, and 719e; and nay on LB 216.

(Signed) Clarence Jacobson

NOTICE OF COMMITTEE HEARINGS
Appropriations

Thursday, February 2, 1984 - 1:30 p.m.

Agency 40 Motor Vehicle Licensing Board
Agency 43 Athletic Commissioner
Agency 45 Board of Barber Examiners
Agency 62 Board of Examiners for Land Surveyors
Agency 63 State Board of Public Accountancy
Agency 66 Abstracters Board of Examiners
Agency 73 Board of Examiners for Landscape Architects

Friday, February 3, 1984 - 1:30 p.m.

Public Hearing:
LB 874
LB 875

Agency 60 Nebraska Gasohol Committee
Agency 52 State Board of Agriculture
Agency 57 Oil and Gas Commission
Agency 58 Board of Examiners for Engineers and Architects
Agency 36 State Racing Commission
Agency 74 Power Review Board
Agency 81 State Energy Office

Monday, February 6, 1984 - 1:30 p.m.

Agency 09 Secretary of State
Agency 61 Uniform Commercial Code Filing Council
Agency 10 State Auditor
Agency 12 State Treasurer
Agency 75 Nebraska Investment Council

Agency 87 Political Accountability and Disclosure Commission

Tuesday, February 7, 1984 - 1:30 p.m.

Public Hearing:
LB 1056

Agency 80 Department of Personnel
Agency 85 Public Employees' Retirement Board
Agency 77 Commission on Industrial Relations
Agency 37 Workmens' Compensation Court
Agency 89 State Claims Board

Tuesday, February 7, 1984 - 7:00 p.m. (Room 1520)

Public Hearing:
LB 772
LB 880

Public testimony on suggestions for the 1984-85 State Salary Policy.

(Signed) Jerome Warner, Chairperson

MOTION - Place LB 709 on General File

Mr. DeCamp moved that LB 709 be placed on General File notwithstanding the action of the committee.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. L. Johnson asked unanimous consent to print the following amendment to LB 453 in the Journal. No objections. So ordered.

Line 5, after the word "separate" add the word "Federally".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Beyer asked unanimous consent to have his name added as co-introducer to LB 825. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1124. By Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; Landis, 46th District; Lundy, 36th District; Pappas, 42nd District; Sieck, 24th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-377.04, 77-2701, 77-2733, 77-2770, 77-2772, 77-2773, 77-2786, 77-2790, and 77-27,119, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2716 and 77-2769, Revised Statutes Supplement, 1983; to rename an act; to provide for statutory construction; to provide a tax on corporations as prescribed; to define terms; to provide duties; to harmonize provisions; to provide for severability; to provide an operative date; to repeal the original sections, and also sections 77-2735 to 77-2752, Reissue Revised Statutes of Nebraska, 1943, and section 77-2734, Revised Statutes Supplement, 1983.

VISITORS

Visitors to the Chamber were fifty 8th grade students and teachers from Boys Town; and twenty-seven 5th grade students and teacher from Beattie School in Lincoln.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Goodrich, the Legislature adjourned until 9:00 a.m., Tuesday, January 31, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 31, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend Neil Peterson, Wakefield Evangelical Covenant, Wakefield, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Eret, Goodrich, Haberman, Hoagland, V. Johnson, Landis, Rupp, Vickers, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 572, line 26, strike “total” and insert “Total”.
The Journal for the Fifteenth Day was approved as corrected.
The Journal for the Sixteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 681. Placed on Select File as amended.
E & R amendments to LB 681:
AM5226

1. On page 1, line 5, after the semicolon insert “to change provisions relating to the disclosure of certain information;”.

2. On page 2, line 5, after “45-138” insert an underscored comma; in line 25 strike the first comma and show as stricken; and in line 27 after “charging” insert “of”.

3. On page 7, line 2, after "contract" insert an underscored comma; and in line 26 after "receiving" insert "of".

4. On page 9, line 6, strike the comma and show as stricken.

5. On page 10, line 16, strike the second comma and show as stricken.

6. On page 11, line 20, strike the comma and show as stricken.

7. On page 12, line 11, strike the second comma and show as stricken.

LEGISLATIVE BILL 795. Placed on Select File as amended.
E & R amendments to LB 795:
AM5227

1. On page 1, line 3, strike "provide an exemption as prescribed" and insert "change provisions relating to exemptions from tax".

2. On page 2, line 19, strike "where", show as stricken, and insert "when".

3. In the Hannibal amendment adopted January 23, 1984, on page 1, line 8, strike "undersigned" and insert "person signing the statement".

LEGISLATIVE BILL 796. Placed on Select File as amended.
E & R amendments to LB 796:
AM5229

1. On page 2, line 12, strike "Constitution", show as stricken, and insert "constitution".

2. On page 5, line 2, strike "I", show as stricken, and insert "one".

3. On page 6, line 22, after "telephone" insert an underscored comma; in line 23 after the first comma insert "and"; and in line 24 strike the first underscored comma and after the first "and" insert "for".

LEGISLATIVE BILL 946. Placed on Select File as amended.
E & R amendment to LB 946:
AM5230

1. On page 2, line 18, after "Code" insert an underscored comma and strike the comma after "310-30".

LEGISLATIVE BILL 568. Placed on Select File as amended.
E & R amendments to LB 568:
AM5231

1. On page 1, strike beginning with "provide" in line 1 through "education" in line 2 and insert "adopt the Vocational Education Incentive Funding Act".

2. On page 3, line 20, strike "this act" and insert "the Vocational Education Incentive Funding Act"; and in line 25 strike "will" and insert "shall".

3. On page 4, line 13, strike "2" and insert "(2) of this section"; and strike "will" and insert "shall".

LEGISLATIVE BILL 568A. Placed on Select File as amended.
E & R amendment to LB 568A:
AM5232

1. On page 1, line 3, and page 2, line 7, strike "First" and insert "Second" and strike "1983" and insert "1984".

LEGISLATIVE BILL 686. Placed on Select File as amended.
E & R amendments to LB 686:
AM5233

1. On page 1, line 3, strike "clarify" and insert "provide"; in line 4, strike "a" and insert "an executive"; and in line 5 strike "certain".

2. On page 3, line 11, strike the comma and show as stricken; and in line 13 strike "is", show as stricken, and insert "shall be".

LEGISLATIVE BILL 835. Placed on Select File as amended.
E & R amendments to LB 835:
AM5235

1. On page 1, line 11, after the semicolon insert "to change certain notice requirements; to authorize an award;"; in line 12 after "assessment" insert ", apportionment, and equalization"; in line 13 after "board" insert "of equalization"; and in line 14 after the semicolon insert "to eliminate certain filing requirements; to eliminate a penalty;".

2. On page 4, line 9, after "of" insert "the" and after "filing" insert "of"; in line 12 strike "mailing of the" and strike the last "of" and insert "is mailed by"; in line 19 strike "receipt" and insert "the filing of the application"; and in line 22 insert paragraphing before "The".

3. On page 6, line 10, after "~~and~~" insert "of".

4. On page 7, line 24, strike the underscored

comma.

5. On page 13, line 11, strike the second underscored comma; and in line 21 after "made" insert an underscored comma.

6. On page 14, line 3, strike the comma and show as stricken.

7. On page 16, line 7, strike the new matter and insert "if".

LEGISLATIVE BILL 670. Placed on Select File.

LEGISLATIVE BILL 976. Placed on Select File as amended.
E & R amendments to LB 976:
AM5234

1. On page 2, line 9, strike "the provisions of"; and in line 24 after "cheese" insert an underscored comma.

2. On page 3, line 19, and page 4, line 6, strike the comma and show as stricken.

LEGISLATIVE BILL 977. Placed on Select File.

LEGISLATIVE BILL 947. Placed on Select File as amended.
E & R amendment to LB 947:
AM5236

1. On page 1, line 3, after the second comma insert "53-134,"; and in line 7 after the semicolon insert "to eliminate a requirement that certain evidence be given under oath;".

LEGISLATIVE BILL 782. Placed on Select File as amended.
E & R amendment to LB 782:
AM5237

1. On page 1, line 4, strike "law enforcement" and insert "certain", and after "services" insert "and the use of certain vehicles and equipment".

LEGISLATIVE BILL 837. Placed on Select File.

LEGISLATIVE BILL 453A. Placed on Select File.
LEGISLATIVE BILL 507A. Placed on Select File.

LEGISLATIVE BILL 130A. Placed on Select File as amended.
E & R amendments to LB 130A:
AM5238

1. On page 1, line 3, page 2, in lines 11 and

25; and page 3, lines 8 and 9, strike “First” and insert “Second” and strike “1983” and insert “1984”.

2. On page 2, line 9, strike “Public Welfare” and insert “Social Services”; and in line 11 insert paragraphing before “Total”.

3. In the Warner amendment found on page 444 of the Journal and which was adopted January 25, 1984, in line 9 strike “five” and insert “one”; in line 10 strike beginning with “insert” through the semicolon and insert “strike ‘fifty’ and insert ‘fifty-six’;”; and strike beginning with the second “insert” in line 15 through the semicolon in line 16 and insert “strike ‘fifty’ and insert ‘fifty-six’;”.

4. In the Warner amendment found on page 572 of the Journal and which was adopted January 25, 1984, in lines 7 and 13, after “hundred” insert “dollars”; in lines 8 and 14 strike “and”; and in lines 9 and 15 after “1986” insert a period.

(Signed) Rod Johnson, Chairperson

ATTORNEY GENERAL’S OPINION

Opinion No. 182
January 27, 1984

Dear Senator Haberman:

Since this office represents the Department of Social Services in all of its litigation, our staff is knowledgeable of the child care center cases that go to court. Some of those in litigation come about by reason of a center or home refusal to obtain a license and thus submit to inspection. In such instances criminal charges can be filed or the county attorney and/or the Attorney General can file for an injunction under Neb.Rev.Stat. §71-1905 (Reissue 1981). Other cases reach district court following a revocation of a license by the Department of Social Services for failure to follow regulations that protect the safety or welfare of the children. The revocation can be appealed to the Director and after a hearing and decision there can be an appeal to the district court under Neb.Rev.Stat. §84-917 (Reissue 1981).

Our records indicate that only two or three cases a year reach the district court level. (Last year only one went to district court.) In recent years there have been none filed in county court.

In view of the fact that the present number of day care homes and centers requiring licensing generate only two or three cases a year, it is reasonable to predict that the addition of 325 providers (pre-school and employer sponsored day care) would result in a maximum of four to six cases. Such cases would be handled in conjunction with the other litigation this office is handling for the Department of Social Services and should have no substantial fiscal impact.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:jmh/L-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 990. Placed on General File.

LEGISLATIVE BILL 871. Indefinitely postponed.

(Signed) Rex Haberman, Chairperson

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

Governor's appointment
Don Hutchens Thursday, February 9, 1984 (Rescheduled) 1:30p.m.

(Signed) Rex Haberman, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 183, 276, 286, 286A, 623, 633, 634, 635, 636, 637, and 733.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Changes to LB 276

The following changes, required to be reported for publication in the Journal, have been made:
ER0148

1. On page 1, line 6, "a penalty" has been struck and "penalties" inserted.

2. In the Hoagland-Beutler-Marsh amendment, AM1631:

a. On page 1, line 9, the comma has been struck and shown as stricken; and in line 19 after "party" an underscored comma has been inserted; and

b. On page 2, line 26, the comma has been struck.

Enrollment and Review Changes to LB 623

The following changes, required to be reported for publication in the Journal, have been made:
ER0150

1. On page 1, line 4, after the first comma "32-425," has been inserted; in line 8 after the semicolon "to provide requirements for candidates for certain offices;" has been inserted; and in line 9 after the semicolon "to change provisions relating to ballots;" has been inserted.

2. On page 4, line 23, "of your" has been struck, shown as stricken, and "that you are" has been inserted and "being" has been struck and shown as stricken; and in line 27 "your" has been struck, shown as stricken, and "you" inserted.

3. On page 15, line 19, and on page 19, line 15, "with" has been struck, shown as stricken, and "to" inserted.

4. On page 21, line 8, "when" has been struck and shown as stricken.

5. In the Landis amendment, AM1682, adopted January 19, 1984, on page 2, line 15, "and" has been struck and "an" inserted; and in line 16, "unscored" has been struck and "underscored" inserted.

Enrollment and Review Change to LB 733

The following changes, required to be reported for publication in the Journal, have been made:
ER0149

1. On page 1, line 4, "section" has been struck and "sections 60-302 and" inserted; in line 5 the second comma has been struck and "; to change provisions relating to registration forms;" has been inserted; and in line 6 "fees for" has been inserted after "registration".

2. On page 2, line 5, the comma has been struck and shown as stricken.

3. On page 4, line 21, "registered for a fee of" has been struck and shown as stricken; in line 22 the first comma has been struck and shown as stricken; and in line 23 "for" has been struck shown as stricken, and "shall be" inserted.

4. In the Beyer amendment, AM1730, adopted January 20, 1984:

a. On page 1, line 23, the comma has been struck and shown as stricken; and

b. On page 2, line 24, the comma has been struck and shown as stricken.

5. In the Vickers amendment, AM1751, adopted January 26, 1984, on page 2, line 2, the comma has been struck and shown stricken and "and" has been inserted; in line 6 the comma has been struck and shown as stricken; in line 9 "the" has been struck, shown as stricken, and "The" inserted; in line 16 after "form" and after "notice" underscored commas have been inserted; and in line 17 "and" has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

MESSAGE FROM THE GOVERNOR

January 26, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 719 was received in my office on January 26, 1984.

This bill was signed by me on January 26, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

NOTICE OF COMMITTEE HEARING
Public Works

Gubernatorial appointments:
Motor Vehicle Licensing Board
James C. Pattee Thursday, February 9, 1984 1:30 p.m.

(Signed) Loran Schmit, Chairperson

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 677. Placed on General File.
LEGISLATIVE BILL 729. Placed on General File.
LEGISLATIVE BILL 818. Placed on General File.
LEGISLATIVE BILL 853. Placed on General File.
LEGISLATIVE BILL 897. Placed on General File.

LEGISLATIVE BILL 715. Placed on General File as amended.
Standing Committee amendments to LB 715:
AM1780

1. On page 2, line 3, strike "a"; and in line 4 strike "motorcycle" and insert "motorcycles manufactured on or after January 1, 1976".

2. On page 3, lines 11 through 13, strike the new matter; and in line 20 after the period insert "Every motorcycle manufactured on or after January 1, 1976, which is operated on any highway of this state shall at all times during operation be equipped with at least one lighted headlamp. Failure to operate a motorcycle in compliance with the lighted headlamp requirements of this subsection shall not constitute contributory negligence or assumption of risk if such operation is during any of the times when a lighted headlamp would not be required under subsection (1) of this section.".

LEGISLATIVE BILL 730. Placed on General File.

LEGISLATIVE BILL 805. Placed on General File as amended.
Standing Committee amendments to LB 805:
AM1781

1. On page 3, line 2, strike "such", and after "agreement" insert "made pursuant to section 2 of this act"; in line 10 after "necessary" insert ", give ten days' notice by mail to such alternate power suppliers as it deems affected by the agreement or amendment,"; and in line 15 after the period insert "The purpose of this section is to promote and encourage the making of agreements pursuant to section 2 of this act.".

2. Strike original section 4 and insert a new section as follows:

"Sec. 4. In the event of any disagreement arising among the parties to an agreement authorized by this act which cannot be settled by negotiations, the dispute may be submitted to the Nebraska Power Review Board. Upon the submission of any such disagreement to the board, the board shall set a time and place for hearing thereon and give notice as provided in section 70-1013. Following such hearing, the board shall make its recommendations for the settlement of such disagreement, which recommendations shall be advisory only.”.

LEGISLATIVE BILL 806. Placed on General File as amended.
Standing Committee amendment to LB 806:
AM1779

1. On page 3, line 20, strike beginning with “person” through “age” and insert “minor as defined in section 53-103, as such definition may be amended from time to time by the Legislature”; and strike beginning with “twenty” in line 23 through “older” in line 24 and insert “who is not a minor. When a person is no longer a minor, as defined in section 53-103, as such definition may be amended from time to time by the Legislature, he or she may apply for a replacement license with a photograph having the background color used for persons who are not minors. The fee for such replacement license shall be the same as the fee for a replacement license issued for a change of address pursuant to subsection (2) of section 60-415”.

LEGISLATIVE BILL 654. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

ANNOUNCEMENT

Mr. Carsten announced the apples for the members are from the 2nd Legislative District.

MOTION - Withdraw LB 1090

Mr. Chambers renewed his pending motion found in the Journal on page 584 to withdraw LB 1090.

The motion prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 911. Title read. Considered.

Standing Committee amendments, AM1719, found in the Journal on page 542, for the Thirteenth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 700. Title read. Considered.

Standing Committee amendments, AM1668, found in the Journal on page 543, for the Thirteenth Day were considered.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

AM1833

1. In the Standing Committee amendments on page 1, strike beginning with "(1)" in line 9 through the first period in line 18 and insert:

"(1) One member chosen from a labor union representing state employees;

(2) Two members chosen from the Legislature; and

(3) Three members chosen at large.".

The Beutler amendment to the Standing Committee amendments was adopted with 24 ayes, 17 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Newell offered the following amendment to the Standing Committee amendments:

Amend the Beutler amendment to LB 700, in (3) strike "three" and insert "two" and add a New (4) One member to be appointed from the membership of the Commission on the Status of Women.

Mr. Beutler moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Beutler requested a roll call vote on the Newell amendment.

Voting in the affirmative, 25:

Barrett Chambers DeCamp Eret Goodrich
Hannibal Harris Johnson, V. Kilgarin Labedz
Landis Marsh McDonald Morehead Newell
Pappas Pirsch Rupp Schmit Scofield
Sieck Vickers Warner Wesely Withem

Voting in the negative, 20:

Beutler	Beyer	Carsten	Chronister	Clark
Fenger	Goll	Hefner	Jacobson	Johnson, L.
Johnson, R.	Kahle	Lamb	Lundy	Nichol
Peterson, H.	Peterson, R.	Remmers	Von Minden	Wagner

Excused and not voting, 4:

Abboud	Haberman	Higgins	Hoagland

The Newell amendment to the Standing Committee amendments was adopted with 25 ayes, 20 nays, 4 excused and not voting.

The Chair declared the Call raised.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Newell asked unanimous consent to have his name added as co-introducer to LB 700. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 979	Monday, February 13, 1984	1:30 p.m.
LB 1046	Monday, February 13, 1984	1:30 p.m.
LB 1050	Monday, February 13, 1984	1:30 p.m.
LB 1102	Monday, February 13, 1984	1:30 p.m.
LB 667	Tuesday, February 14, 1984	1:30 p.m.
LB 1101	Tuesday, February 14, 1984	1:30 p.m.
LB 1121	Tuesday, February 14, 1984	1:30 p.m.
LB 1122	Tuesday, February 14, 1984	1:30 p.m.
LB 1048	Wednesday, February 15, 1984	1:30 p.m.
LB 1072	Wednesday, February 15, 1984	1:30 p.m.
LB 1113	Wednesday, February 15, 1984	1:30 p.m.
LB 1114	Wednesday, February 15, 1984	1:30 p.m.
LB 1091	Tuesday, February 21, 1984	1:30 p.m.
LB 1070	Tuesday, February 21, 1984	1:30 p.m.
LB 1116	Tuesday, February 21, 1984	1:30 p.m.
LB 1095	Tuesday, February 21, 1984	1:30 p.m.

LB 684	Monday, February 27, 1984	1:30 p.m.
LB 687	Monday, February 27, 1984	1:30 p.m.
LB 804	Monday, February 27, 1984	1:30 p.m.
LB 929	Monday, February 27, 1984	1:30 p.m.

LB 678	Tuesday, February 28, 1984	1:30 p.m.
LB 757	Tuesday, February 28, 1984	1:30 p.m.
LB 802	Tuesday, February 28, 1984	1:30 p.m.
LB 821	Tuesday, February 28, 1984	1:30 p.m.

Gubernatorial Appointments Wednesday, February 29, 1984 1:30 p.m.
Mary Wiesman, Nebraska Parole Board
Carlos Alverez, Nebraska Parole Board
Ron Bartee, Chairperson, Nebraska Parole Board

LB 963	Wednesday, February 29, 1984	1:30 p.m.
LB 964	Wednesday, February 29, 1984	1:30 p.m.
LB 1067	Wednesday, February 29, 1984	1:30 p.m.

(Signed) Chris Beutler, Chairperson

ANNOUNCEMENT

Mr. Beutler announced the Judiciary Committee will hold an Executive Session on Wednesday, February 22, 1984 at 1:30 p.m.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 1052. No objections. So ordered.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 749. Placed on General File.
LEGISLATIVE BILL 644. Placed on General File.

LEGISLATIVE BILL 960. Placed on General File as amended.
Standing Committee amendment to LB 960:
AM1792

1. On page 3, line 6, after the period insert: "Payment of state matching funds shall be limited to three eminent scholars in each of the role and mission priority areas of instruction, research, and public service prescribed in sections 85- 917 to 85- 967 for each campus.".

(Signed) Tom Vickers, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 79, 590, 638, 639, 640, and 641.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Changes to LB 79

The following changes, required to be reported for publication in the Journal, have been made:
ER0152

1. On page 1, line 5, "of a child" has been inserted after "assault".
2. In the Standing Committee amendments, AM0614, on page 2, line 4, "admissable" has been struck and "admissible" inserted.
3. In the E & R amendments, AM5207, on page 1, line 10, "and" has been inserted after "28-322".

Enrollment and Review Change to LB 590

The following changes, required to be reported for publication in the Journal, have been made:
ER0151

1. On page 1, line 5, after the semicolon "to define terms;" has been inserted.
2. In the Standing Committee amendments, AM1220, adopted January 12, 1984, on page 1, line 16, the first period has been underscored.

(Signed) Mary Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 390 in the Journal. No objections. So ordered.

1. Line 13, after "paid.", insert "If a notice of intent to file suit was delivered in the manner prescribed for service of summons in Section 25-505.01 prior to commencement of the action, interest shall be at the rate of 10% from ninety days following date of service of notice, provided

the action was commenced within ninety days following service of notice, until such decree or judgment was rendered, and thereafter at the rate specified in Section 45-104.01, as such rate may from time to time be adjusted by the Legislature, until such interest shall be paid."

Mr. DeCamp asked unanimous consent to print the following amendment to LB 473 in the Journal. No objections. So ordered.

On page 9, lines 9, 10 and 12, reinstate all deleted language.

Mr. Fenger asked unanimous consent to print the following amendment to LB 481 in the Journal. No objections. So ordered.

AM1811
(Amendments to Standing Committee Amendments)

1. On page 1, line 9, strike " 'physician' in line 15" and insert "the comma in line 11".

Mr. Fenger asked unanimous consent to print the following amendment to LB 481 in the Journal. No objections. So ordered.

AM1750

1. On page 41, line 2, strike "or"; after line 2 insert a new subdivision:

"(6)(a) Any individual certified as a school psychologist by the State Board of Education from using the title of school psychologist and offering the services of such under the regulatory authority of the State Board of Education. For purposes of this section, school psychologist shall mean a specialist certified by the State Board of Education who is authorized to provide the following services as an employee of any public school district or private, denominational, or parochial school or cooperative of such schools, any educational service unit, or any other school operated by the State of Nebraska:

(i) Consultation with school personnel, parents, students, and other specialists with regard to individual student needs or school program considerations;

(ii) Assessment of student learning and behavior;

(iii) Selection, administration, and interpretation of educational and psychological tests and test results;

(iv) Identification and verification of

handicapped and gifted students; and

(v) Recommendation of student placement.

(b) Nothing in subdivision (6) of this section shall be construed to permit the employment of a school psychologist other than by a public school district or a private, denominational, or parochial school or cooperative of such schools, any educational service unit, or any other school operated by the State of Nebraska; or"; and in line 14, strike the new matter and reinstate the stricken matter.

UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 14. Mr. Von Minden offered the following amendment:

1. In the E & R amendments beginning on page 327 of the Journal on page 3, line 18, strike "equal to" and insert ". The credit shall be based on (a)"; in line 19, strike "multiplied by" and insert ", (b)"; and in line 21 strike the underscored period and insert ",and (c) the individual's federal adjusted gross income. The Nebraska child and dependent care credit shall be determined by (i) taking the federal credit allowed under section 44A of the Internal Revenue Code, (ii) multiplying such credit by the rate of income tax as set under section 77-2715.01 and (iii) allowing a percentage of such amount based on the table provided in this section.

Federal Adjusted Gross Income	Percentage
up to 15,499	100
15,500 through 15,999	90
16,000 through 16,499	80
16,500 through 16,999	70
17,000 through 17,499	60
17,500 through 17,999	50
18,000 through 18,499	40
18,500 through 18,999	30
19,000 through 19,499	20
19,500 through 19,999	10

Mr. Von Minden moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Von Minden requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Barrett Beutler Beyer Carsten Chronister
Clark DeCamp Fenger Goll Hannibal
Hefner Jacobson Johnson, L. Kahle Lamb
Lundy Nichol Pappas Peterson, H. Pirsch
Remmers Von Minden Warner

Voting in the negative, 20:

Chambers Eret Goodrich Harris Johnson, V.
Kilgarin Labedz Landis Marsh McDonald
Morehead Newell Rupp Schmit Scofield
Sieck Vickers Wagner Wesely Withem

Present and not voting, 1:

Hoagland

Excused and not voting, 5:

Abboud Haberman Higgins Johnson, R. Peterson, R.

The Von Minden amendment lost with 23 ayes, 20 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Von Minden offered the following amendment:
To amend LB 14 by capping the maximum amount of adjusted gross income eligible for the credit at $20,000.00

SPEAKER NICHOL PRESIDING

PRESIDENT MCGINLEY PRESIDING

Mr. Von Minden moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Von Minden requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Barrett Beutler Beyer Carsten Chronister
Clark DeCamp Fenger Goll Haberman
Hefner Hoagland Jacobson Johnson, L. Kahle

Lamb Lundy Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Sieck Von Minden
Wagner

Voting in the negative, 19:

Chambers Eret Goodrich Harris Johnson, V.
Kilgarin Labedz Landis Marsh McDonald
Morehead Newell Rupp Schmit Scofield
Vickers Warner Wesely Withem

Present and not voting, 1:

Hannibal

Excused and not voting, 3:

Abboud Higgins Johnson, R.

The Von Minden amendment was adopted with 26 ayes, 19 nays, 1 present and not voting, and 3 excused and not voting.

Mr. Clark requested a machine vote on the advancement on the bill.

Advanced to E & R for Engrossment with 28 ayes, 10 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

ATTORNEY GENERAL'S OPINION

Opinion No. 181
January 25, 1984

Dear Senator DeCamp:

Your request as to the constitutionality of LB 926 was submitted to us on January 23, 1984, for review in our capacity as Special Assistant Attorney General. In accordance with guidelines established by Mr. Douglas and myself in connection with the discharge of my duties, I must inform you that the opinions expressed in this correspondence are exclusively mine. This correspondence does not, in any manner, reflect the opinion of Mr. Paul Douglas, Attorney General, or any of his assisstants.

Section 1 of LB 926 as presented to us for review as to its constitutionality provides that the Department of Banking may formulate a plan designed to protect the assets of an institution under its receivership. The governor may direct deposit funds of the state from the Treasurer's Cash Fund in the institution. This direction shall be made only if:

(1) the deposit is essential to protect the assets of depositors up to the amount guaranteed;

(2) the investment will not result in loss of state funds;

(3) failure of the institution will have a "seriously adverse impact on other financial institutions."

The deposit may be directed "even though the result may be reduced income from the funds deposited."

Section 2 of the Act authorizes the director to (1) reclassify claims, (2) classify claims for funds deposited based upon the amount of the claim, and (3) cause the financial institution to issue stock, notes or debentures to any class of depositors.

The issues presented are whether the Act is unconstitutional for any of the following reasons:

(1) Violates Article XIII, section 3:

> The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . .

(2) Violates Article III, section 18:

> The Legislature shall not pass local or special laws in any of the following cases, that is to say:
>
> . . .
>
> Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever; . . .

(3) Violates Article I, section 16:

> No bill of attainder, ex post facto law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities shall be passed.

(4) Violates either Article II, section 1, or Article III, section 1, (improper delegation of legislative authority.

(1) Does LB 926 have the effect of "extending the credit of the state in aid of any individual, association or corporation" contrary to the provisions of Article XIII, section 3, of the Nebraska Constitution?

The act provides that the deposit or investment in the institution under receivership may result in reduced income to the state. It would seem fairly obvious that this Act may have the effect of providing aid or assistance to a private enterprise.

Constitutionality is judged on what is authorized to be done, not merely on the basis of what is sought to be done by the parties. City of Beatrice v. Wright, 72 Neb. 689, 101 N.W. 1039, Sumnerville v. North Platte Valley Weather Control Dist., 170 Neb. 46, 101 N.W.2d 748.

Legislation which serves a public purpose is not unconstitutionally impermissible under Article XIII, section 3, because incidental benefits may occur to others. Lenstrom V. Thone, 209 Neb. 783, 311 N.W.2d 884, 888 (1981). The issue then is whether this legislation is for a public purpose. The Nebraska Supreme Court recently stated:

> It is for the Legislature to decide in the first instance what is and what is not a public purpose, but its determination is not conclusive on the courts. However, to justify a court in declaring a statute invalid because its object is not a public purpose, the absence of public purpose must be so clear and palpable as to be immediately perceptible to the reasonable mind. Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334 (1976).
>
> Lenstrom v. Thone, supra.

The maintenance of a viable banking industry has long been recognized as in the public welfare. For example, in Placek v. Edstrom, 148 Neb. 79, 26 N.W.2d 489 (1947), the Nebraska Supreme Court stated:

> It is generally held that: "Banks are indispensable agencies through which the industry, trade, and commerce of all civilized countries and communities are carried on; the business which they transact, though for private profit, is of a pre-eminently public nature, and is therefore universally recognized as a proper subject of legislative regulation under the police power of the state. The power of the legislature in this regard is supreme, subject only to such limitations as are imposed by the fundamental law."
>
> Id. at 92, 26 N.W.2d at 497 (citation omitted).

See also, Mr. Justice Oliver Wendell Holmes' decision in Noble State Bank v. Haskell, 219 U.S. 104, 31 S.Ct. 186 (1911).

If the legislative purpose in adopting this legislation is to maintain a viable banking system in this state, a public purpose would be promoted. Section 1 of the Act may be implemented only if "failure of the institution" would have "an adverse impact on other financial institutions in the state." It is at least questionable as to whether the "absence of a public purpose" is "so clear and palpable as to be perceptible to the reasonable mind." We, therefore, cannot conclude that this provision is unconstitutional under Article III, section 18.

2. Whether the classification of institutions in which deposits may be made under the Act constitutes special legislation in contravention of Article III, section 18, or Article I, section 16 of the Nebraska Constitution?

Pertinent portions of Article III, section 18, and Article I, section 16, of the Nebraska Constitution are:

> The Legislature shall not pass local or special laws in any of the following cases, that is to say:
>
> . . .
>
> Granting to any corporation, association, or individual any

> special or exclusive privileges, immunity, or franchise whatever; . . .
>
> Article III, section 18.
>
> No bill of attainder, ex post facto law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities shall be passed.
>
> Article I, section 16.

The basic constitutional rules appropriate to these sections are set forth in United Community Services v. Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576 (1956):

> "The power of classification rests with the legislature, and this power cannot be interfered with by the courts, unless it is clearly apparent that the legislature has by an artificial and baseless classification attempted to evade and violate the provisions of the constitution prohibiting local and special legislation." Allan v. Kennard, 81 Neb. 289, 116 N.W.63, 65. See, also, State ex rel. Cone v. Bauman, 120 Neb. 77, 231 N.W.693.
>
> Id. at 802, 77 N.W.2d at 587-88.

We cannot say that classifying institutions under receivership is an unreasonable classification under either of these constitutional provisions as they have been interpreted by the Nebraska Supreme Court.

3. Whether classification of claims as to the amount of the claim violates Article II, section 16, of the Nebraska Constitution or Article I, section 10, of the U.S. Constitution as to those claims which have already matured?

Classification of claims as to amounts would not appear to be an unconstitutionally impermissible classification as to claims arising after the effective date of the Act.

It would appear that under present Nebraska law creditors, including depositors would share pro rata in distribution of assets of a financial institution under receivership. Section 8-1,110, R.R.S. Nebraska; State ex rel. Sorensen v. State Bank of Belvidere, 122 Neb. 797, 240 N.W. 474 (1932). The depositors have a lien on the assets of the insolvent institution according to §8-1,110, R.R.S. Nebraska, which provides in part:

> The claims of depositors for deposits not otherwise secured and claims of holders of exchange shall have priority over all other claims, except federal, state, County, and municipal taxes, and subject to such taxes shall, at the time of the declaration of insolvency of a bank, be a first lien on all the assets of the bank from which they are due and thus in liquidation, . . .
>
> §8-1,110, R.R.S. Nebraska (emphasis ours).

See also, State ex rel. Sorensen v. State Bank of Omaha, 128 Neb. 148, 258 N.W. 280 (1934).

The Supreme Court of Nebraska in Luikart v. Higgins, 130 Neb. 395, 264 N.W. 903 (1936), has recognized that the legislature may change the remedy and methods of procedure under a past as well as a future contract. The legislature may not, however, impair the substantive rights of a party.

In Henssen Siak Shams v. Nebraska State Bank of Bloomfield, Neb., 48 F.2d 894 (8th Cir. 1931), the Eighth Circuit Court of Appeals held a statutorily authorized reorganization plan to be unconstitutional, stating:

> But this plaintiff has made no new contracts, and it was not within the power of the Legislature to impair by statutory enactment the obligation of the contract he had nor to deprive him of any of his substantial security. If, therefore, the reorganization plan of the statute and what has been done under it accomplish such a wrong to the plaintiff, he cannot be without remedy in this court.

Id. at 896.

An Act which accelerated the terms of liability and payment was held to be unconstitutional in Luikart v. Higgins, 130 Neb. 395, 264 N.W. 903 (1936), where the court stated:

> Again, the 1930 amendment changes the time for payment of the stockholders' double liability from the time when the assets of the bank are exhausted to immediate payment upon an adjudication of insolvency. It would seem that this court may take judicial notice of the public records of the state that the liquidation of insolvent state banks requires several years. This change in the time of payment accelerates the date the liability is due and thus changes the obligation. Since time and method of payment are material parts of contractual obligations, a change thereof is an impairment. U. S. Const. art. I, sec. 10.
>
> The acceleration of the time of payment, which the 1930 amendment provides, deprives the stockholder of the use of the money for the period of time required for the liquidation of the bank. This increases the obligation materially, and increases the contractual liability. O'Connor v. Hartford Accident & Indemnity Co., 97 Conn. 8, 115 Atl. 484; Shouse v. Quinley, 37 Pac. (2d)(Cal.) 89; Edwards v. Kearzey, 96 U.S. 595.

Id. at 398-99, 264 N.W. at 904-05.

The general authorities further cast serious doubt on the constitutionality of section 2 as to existing creditors of financial institutions. Corpus Juris Secondum states:

> Regulation of priorities. While some authorities have sustained an act regulating the priorities as between creditors whose debts were contracted prior to its passage, others have ruled that in its application to prior contracts such a statute or constitutional provision is unconstitutional as impairing their obligation, and the

latter rule has been said to be supported by the weight of authority and reason.

16A C.J.S., Constitutional Law, § 388 pg. 70.

Further, American Jurisprudence states:

> In determining whether a statute creating preferences in the distribution of insolvent estates impairs the obligation of contracts, the cases depend largely on the question whether the statute affects merely the remedy or whether it alters the substantive rights of the parties. On the one hand, it has been held that a statute giving certain claims priority in insolvency proceedings involves no unconstitutional impairment of contract rights as applied to claims of creditors in existence at the time the statute was enacted, on the principle that it merely affects the remedy. . . . The legislature may constitutionally change the priority of payment as to existing contracts where the creditor has no lien. On the other hand, there is authority which supports the view that once the debt has been contracted, a statute which varies or alters the relationship in any way is unconstitutional as impairing the obligation of contracts.
>
> 42 Am.Jur.2d Insolvency, §58 pg. 1242-3 (emphasis ours).

If applying this Act to existing insolvency proceedings would be unconstitutional, a court would undoubtedly give this section effect only as to future or prospective insolvency proceedings. It is our opinion that, as drafted, Section 2 of this legislation would therefore be effective only as to prospective insolvency proceedings. This section would thus be constitutional, but not effective as to the existing Commonwealth insolvency.

4. Whether section 2 of the Act is unconstitutional as an impermissible delegation to administration authorities of legislative authority under Article II, section 1, and Article III, section 1, of the Nebraska Constitution?

Section 2 of the Act authorizes the classification of claims as to amount by the Director and the issuance of stock, notes or debentures to some classes. The Act does not provide any guidelines as to what amounts are to be used nor as to who should receive stock, notes or debentures. In addition, the Act is silent as to the criteria to be utilized in setting the terms and conditions of any such stock, notes or debentures.

Under Article II, section 1, and Article III, section 1, of the Nebraska Constitution, legislative authority is vested in the legislature. Legislative authority may be delegated to administrative agencies. The constitutional issue is whether sufficient standards have been designated by the legislature.

In the recent case of State ex rel. Douglas v. Nebraska Mortgage Finance, 204 Neb. 445, 283 N.W.2d 12, Chief Justice Krivosha set forth the most current tests to be applied in this regard:

> The question of how far the Legislature should go in filling in the details of the standards which an administrative agency is to apply raises large issues of policy in which the Legislature has a wide discretion, and the court shall be reluctant to interfere with such discretion. Such standards in conferring discretionary power upon an administrative agency must be reasonably adequate, sufficient, and definite for the guidance of the agency in the exercise of the power conferred upon it and must also be sufficient to enable those affected to know their rights and obligations. 1 Am.Jur.2d, Administrative Law, §117, p. 923. The modern tendency is to be more liberal in permitting grants of discretion to an administrative agency in order to facilitate the administration of laws as the complexity of economic and governmental conditions increases. 1 Am.Jur.2d, Administrative Law, §118, p. 925. This is particularly true where, as here, the violation of any such regulation does not constitute a criminal act. We do not believe the authority granted the Fund by the Legislature is an unlawful delegation of powers reserved to the Legislature.
>
> Id. at 283 N.W.2d 24.

While the court has thus allowed a rather broad latitude, this Act provides absolutely no standard by which the director is to determine the classification as to amount or as to the effect of such classification. It is our opinion that this does constitute an impermissible delegation in contravention of Article II, section 1, and Article III, section 1, of the Nebraska Constitution and hence is unconstitutional as drafted.

Yours very truly,
(Signed) Edwin C. Perry
Special Assistant
Attorney General

ECP/ljg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 183
January 30, 1984

Dear Senator Schmit:

You have asked our opinion as to whether LB 654 is in violation of the provisions of Article VIII, Section 11, of the Nebraska Constitution. We are unable to see any way of avoiding the conclusion that that constitutional provision is violated by this bill.

LB 654 would provide that every public power district organized primarily to provide electricity which produces over three million megawatt hours of electrical power from coal fuel sources shall pay to the State Treasurer a sum equivalent to ten percent of the gross revenue derived by such districts during the preceding calendar year. We do not see how this could be described as anything other than a tax, and the drafter of the bill obviously also considered it to be a tax, because in Section 1 it is provided that the payment shall be "in addition to any other required taxes." (Emphasis supplied.)

Section 2 of the bill provides that such payments shall be deposited by the State Treasurer into a special fund known as the Local Government Grade Crossing Fund, and that such funds shall be used to construct and improve automatic crossing equipment, overpasses, and underpasses at railroad grade crossings in cities, villages, and unincorporated locals (sic) through which the trains delivering the coal run. This appears clearly to be a tax to finance a fund for a designated purpose.

Article VIII, Section 11, provides that public corporations and public subdivisions organized primarily to provide electricity shall make the same payments in lieu of taxes as they made in 1957, which payments shall be allocated in the same proportion to the same public bodies or their successors as they were in 1957. That section also authorizes the legislature to require each such public corporation to pay a sum equivalent to five percent of the annual gross revenue of such public corporation derived from retail sales of electricity within cities or villages, less an amount equivalent to the 1957 payments in lieu of taxes made by such public corporation with respect to property or operations in any such city or village. The payments in lieu of taxes as made in 1957, together with any payments made as authorized in that section of the Constitution shall be in lieu of all other taxes, payments in lieu of taxes, franchise taxes, occupation and excise taxes, but shall not be lieu of motor vehicle licenses and wheel taxes, permit fees, gasoline taxes and other such excise taxes or general sales taxes levied against the public generally. The tax to be imposed by LB 654 does not come within any of the exceptions enumerated in Section 11.

It might be argued that the first paragraph of Section 11 provides for "every public corporation and political subdivision" to pay the in lieu of tax as made in 1957, whereas as paragraph 2 speaks only of "public corporations," and the prohibition against other taxes, it might be argued, apply only to public corporations, and not political subdivisions providing electricity. The argument might then go that public power districts are political subdivisions, and are not covered by the second paragraph of Section 11. This argument seems to be undercut, however, by Neb.Rev.Stat. §70-602 (Reissue 1981), which provides that a public power district created as thereinafter provided shall be a public corporation and political subdivision of the state. It therefore appears that a public power district is a public corporation organized primarily to provide electricity, and that the type of tax imposed by LB 654 may not be imposed upon it.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 255. No objections. So ordered.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 659. Placed on General File.
LEGISLATIVE BILL 683. Placed on General File.

LEGISLATIVE BILL 679. Placed on General File as amended.
Standing Committee amendment to LB 679:
AM1812

1. On page 2, strike beginning with "In" in line 1 through "the" in line 9 and insert "The"; and after line 19 insert:

"(2) In counties which do not use the computerized system provided in subsection (1) of this section, the register of deeds shall use the separate book or microfilm form of recording instruments as required prior to the effective date of this act.".

(Signed) David Landis, Chairperson

Revenue

LEGISLATIVE BILL 862. Placed on General File.

LEGISLATIVE BILL 660. Placed on General File as amended.
Standing Committee amendment to LB 660:
AM1813

1. On page 2, line 26, strike "30", show as

stricken, and insert "31".

LEGISLATIVE BILL 956. Placed on General File as amended.
Standing Committee amendments to LB 956:
AM1806

1. Insert new sections as follows:

"Sec. 3. This act shall be operative for all taxable years commencing on or after January 1, 1984.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber original section 3 as section 4.

LEGISLATIVE BILL 655. Indefinitely postponed.
LEGISLATIVE BILL 717. Indefinitely postponed.
LEGISLATIVE BILL 876. Indefinitely postponed.
LEGISLATIVE BILL 879. Indefinitely postponed.

(Signed) Calvin Carsten, Chairperson

Miscellaneous Subjects

LEGISLATIVE BILL 820. Placed on General File.

LEGISLATIVE BILL 943. Indefinitely postponed.

(Signed) Elroy Hefner, Chairperson

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

Gubernatorial Appointments

Gary Chunka - Nebraska Bingo and Pickle Card Regulatory Commission	Thursday, February 2, 1984	1:30 p.m.
Richard Noel - State Electrical Board	Thursday, February 9, 1984	1:30 p.m.
Dennis Schroeder - State Electrical Board	Friday, February 24, 1984	1:30 p.m.

Secretary of State Appointment

John Wherry - Nebraska Accountability and Disclosure Commission	Thursday, February 16, 1984	1:30 p.m.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 899 in the Journal. No objections. So ordered.

AM1764

1. On page 2, line 8, strike “or” and insert an underscored comma; in line 9 after “insurance” insert “, or (c) provide the notice and advertisement specified in subsection (2) of this section”; after line 9 insert the following new subsection:

“(2) A building and loan association may continue to operate if it provides notice to depositors, holders of savings certificates, certificates of indebtedness, or other similar instruments that such deposits or instruments are not insured. Such notice shall be given on the date any such deposit, savings certificate, certificate of indebtedness, or similar instrument is created and each month thereafter as follows: AS PROVIDED BY THE LAWS OF THE STATE OF NEBRASKA YOU ARE HEREBY NOTIFIED THAT YOUR DEPOSIT, SAVINGS CERTIFICATE, CERTIFICATE OF INDEBTEDNESS, OR OTHER SIMILAR INSTRUMENT IS NOT INSURED. In any advertising conducted by such institution such advertising shall in each case state: THE DEPOSITS, SAVINGS CERTIFICATES, CERTIFICATES OF INDEBTEDNESS, OR SIMILAR INSTRUMENTS OF THIS INSTITUTION ARE NOT INSURED. The institution shall also display such notice in one or more prominent places in all facilities in which the institution operates. All such notices and statements shall be given in large or contrasting type in such a manner that such notices shall be conspicuous. Each willful failure to give the notice prescribed in this subsection shall constitute a Class II misdemeanor. All officers or directors of any such institution shall be jointly and severally responsible for the issuance of the notices described in this subsection in the form and manner described.”; in line 10 strike “(2)” and insert “(3)”; after line 16 insert the following new subsection:

“(4) A building and loan association shall file proof of compliance with subsection (1) of this section with the Department of Banking and Finance.”; in line 25 strike “or “ and insert an underscored comma; in line 27 after "insurance" insert ", or (c) provide the notice and advertisement specified in subsection (2) of this section".

2. On page 3, line 7, after "Corporation" insert "or upon commencing its operations provide the notice and advertisement specified in subsection (3) of this section"; after line 15 insert the following new subsection:

"(3) An industrial loan and investment company may continue to operate if it provides notice to depositors, holders of savings certificates, certificates of indebtedness, or other similar instruments that such deposits or instruments are not insured. Such notice shall be given on the date any such deposit, savings certificate, certificate of indebtedness, or similar instrument is created and each month thereafter as follows: AS PROVIDED BY THE LAWS OF THE STATE OF NEBRASKA YOU ARE HEREBY NOTIFIED THAT YOUR DEPOSIT, SAVINGS CERTIFICATE, CERTIFICATE OF INDEBTEDNESS, OR OTHER SIMILAR INSTRUMENT IS NOT INSURED. In any advertising conducted by such institution such advertising shall in each case state: THE DEPOSITS, SAVINGS CERTIFICATES, CERTIFICATES OF INDEBTEDNESS, OR SIMILAR INSTRUMENTS OF THIS INSTITUTION ARE NOT INSURED. The institution shall also display such notice in one or more prominent places in all facilities in which the institution operates. All such notices and statements shall be given in large or contrasting type in such a manner that such notices shall be conspicuous. Each willful failure to give the notice prescribed in this subsection shall constitute a Class II misdemeanor. All officers or directors of any such institution shall be jointly and severally responsible for the issuance of the notices described in this subsection in the form and manner described."; in line 16 strike "(3)" and insert "(4)"; in line 19 strike "(4)" and insert "(5)"; and in line 27 strike beginning with "Except" through "in" and show as stricken.

3. On page 4, line 1, strike beginning with "subsection" through "any", show the old matter as stricken, and insert "Any"; in line 3 after the second comma insert "(a)" and in line 24 after "corporation" insert "or (b) provide the notice and advertisement specified in subsection (3) of this section".

4. On page 5, line 6, after "Finance" insert

"or provide the notice and advertisement specified in subsection (3) of this section"; after line 26 insert the following new subsections:

"(3) A banking institution may continue to operate if it provides notice to depositors, holders of savings certificates, certificates of indebtedness, or other similar instruments that such deposits or instruments are not insured. Such notice shall be given on the date any such deposit, savings certificate, certificate of indebtedness, or similar instrument is created and each month thereafter as follows: AS PROVIDED BY THE LAWS OF THE STATE OF NEBRASKA YOU ARE HEREBY NOTIFIED THAT YOUR DEPOSIT, SAVINGS CERTIFICATE, CERTIFICATE OF INDEBTEDNESS, OR OTHER SIMILAR INSTRUMENT IS NOT INSURED. In any advertising conducted by such institution such advertising shall in each case state: THE DEPOSITS, SAVINGS CERTIFICATES, CERTIFICATES OF INDEBTEDNESS, OR SIMILAR INSTRUMENTS OF THIS INSTITUTION ARE NOT INSURED. The institution shall also display such notice in one or more prominent places in all facilities in which the institution operates. All such notices and statements shall be given in large or contrasting type in such a manner that such notices shall be conspicuous. Each willful failure to give the notice prescribed in this subsection shall constitute a Class II misdemeanor. All officers or directors of any such institution shall be jointly and severally responsible for the issuance of the notices described in this subsection in the form and manner described.

(4) A banking institution shall file proof of compliance with subsection (1) or (2) of this section with the Department of Banking and Finance."; and in line 27 strike "(3)" and insert "(5)".

5. On page 7, line 4, strike "or"; in line 5 after "insurance" insert ", or (e) provide the notice and advertisement specified in subsection (2) of this section"; after line 13 insert the following new subsection:

"(2) A corporative credit association may continue to operate if it provides notice to depositors, holders of savings certificates, certificates of indebtedness, or other similar instruments that such deposits or instruments are not insured. Such notice shall be given on the date any such deposit, savings certificate, certificate of indebtedness, or similar instrument is created and each month thereafter as follows: AS PROVIDED BY THE LAWS OF THE STATE OF NEBRASKA YOU ARE HEREBY NOTIFIED THAT YOUR DEPOSIT, SAVINGS CERTIFICATE, CERTIFICATE OF INDEBTEDNESS, OR OTHER SIMILAR INSTRUMENT IS NOT INSURED. In any advertising conducted by such institution such advertising shall in each case state: THE DEPOSITS, SAVINGS CERTIFICATES, CERTIFICATES OF INDEBTEDNESS, OR SIMILAR INSTRUMENTS OF THIS INSTITUTION ARE NOT INSURED. The institution shall also display such notice in one or more prominent places in all facilities in which the institution operates. All such notices and statements shall be given in large or contrasting type in such a manner that such notices shall be conspicuous. Each willful failure to give the notice prescribed in this subsection shall constitute a Class II misdemeanor. All officers or directors of any such institution shall be jointly and severally responsible for the issuance of the notices described in this subsection in the form and manner described."; in line 14 strike "(2)" and insert "(3)"; and in line 17 strike "(3)" and insert "(4)".

6. On page 8, line 4, strike "or" and show as stricken; in line 5 after "insurance" insert ", or (c) provide the notice and advertisement specified in subsection (3) of this section"; in line 13 after the final period insert "or upon commencing its operations provide the notice and advertisement specified in subsection (3) of this section."; after line 15 insert the following new subsection:

"(3) A credit union may continue to operate if it provides notice to depositors, holders of savings certificates, certificates of indebtedness, or other similar instruments that such deposits or instruments are not insured. Such notice shall be given on the date any such deposit, savings certificate, certificate of indebtedness, or similar instrument is created and each month thereafter as follows: AS PROVIDED BY THE LAWS OF THE STATE OF NEBRASKA YOU ARE HEREBY NOTIFIED THAT YOUR DEPOSIT, SAVINGS CERTIFICATE, CERTIFICATE OF INDEBTEDNESS, OR OTHER SIMILAR INSTRUMENT IS NOT INSURED. In any advertising conducted by such institution such advertising shall in each case state: THE DEPOSITS, SAVINGS CERTIFICATES, CERTIFICATES OF INDEBTEDNESS, OR SIMILAR INSTRUMENTS OF THIS INSTITUTION ARE NOT INSURED. The institution shall also display such notice in one or more prominent places in all facilities in which the institution operates. All such notices and statements shall be given in large or contrasting type in such a manner that such notices shall be conspicuous. Each willful failure to give the notice prescribed in this subsection shall constitute a Class II misdemeanor. All officers or directors of any such institution shall be jointly and severally responsible for the issuance of the notices described in this subsection in the form and manner described."; in line 16 strike "(3)" and insert "(4)"; and in line 19 strike "(4)" and insert "(5)".

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp and H. Peterson asked unanimous consent to print the following amendment to LB 668 in the Journal. No objections. So ordered.

AM1839

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The children who reside in this state are important resources. The State of Nebraska has a vital interest in these resources and, in order to protect and nurture such resources, has an obligation to assure that all children receive a quality education. At the same time the parents or guardians of children who reside in Nebraska are charged with the responsibility of caring for and instilling them with certain values and beliefs. Because of their beliefs, many parents and guardians believe that their children's education should be provided by a school which reflects their religious beliefs and that such a school should in no way be controlled by the state. It is the purpose of this act to achieve an appropriate balance between the state which has a legitimate interest in the education of Nebraska children and religious freedom.

Sec. 2. (1) A weekday church educational ministry or a private or denominational school shall be exempt from the accreditation, certification, or approval requirements prescribed by the laws of this state and the rules and regulations adopted and promulgated by the State Department of Education. The parent or legal guardian of children who attend such a ministry or school annually shall send to the county superintendent of schools a written statement containing the following provisions:

(a) That parent or legal guardian's religious beliefs mandate that his or her child attend such ministry or school;

(b) That parent or legal guardian agrees to have a nationally recognized standardized achievement test of basic skills administered to his or her child each year;

(c) That the child is in fact regularly attending school;

(d) That the child is receiving a structured program of education which covers all basic skills areas of study; and

(e) That such ministry or school is conducted within adequate physical facilities and with adequate instructional equipment and materials.

(2) If any parent or guardian refuses to furnish the statement required in subsection (1) of this section or if such statement contains fraudulent information, then the child of such parent or guardian shall be deemed in violation of section 79-201.

Sec. 3. Every child attending a weekday church educational ministry or a private or denominational school described in section 2 of this act shall be required annually to take a nationally recognized standardized achievement test of basic skills. Such test shall be chosen by the leadership of the ministry or school and administered in cooperation with the county superintendent of the school district in which the ministry or school is located. Each child attending the ministry or school shall be required to achieve a composite test score in basic skills at his or her chronological age level or demonstrate adequate annual advancement for his or her ability, except that no child shall be discriminated against due to a handicap or disability. If a child fails to achieve such test results for two consecutive years, then he or she shall be deemed in violation of section 79-201.

Sec. 4. That section 79-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-201. ~~Every~~ Except as provided in sections 2 and 3 of this act, every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child, not less than seven nor more than sixteen years of age, shall cause such child to attend regularly the public, private, denominational, or parochial day schools each day that such schools are open and in session except when excused by school authorities, unless such child has been graduated from high school. The term shall not be less than one hundred seventy-five days in any district, except that in the event of the failure of any district which receives twenty per cent or more of its total receipts for general fund purposes from federal sources, to actually receive receipts anticipated at the time of the adoption of the school budget from taxes, state funds, federal funds, tuition, or other sources, the board of education of such district may, at any time during the school year, elect to close all or part of its schools.

Sec. 5. That section 79-1229, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1229. All persons, except those employed in schools described in section 2 of this act, holding the official title of (1) superintendent of schools, (2) principal or supervisor of an accredited school, or (3) supervisor of any special subjects or subject in which such persons actually supervise the work of other teachers in that subject or those subjects, shall hold either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate.

Sec. 6. That section 79-1233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1233. (1) Except for those persons employed in schools described in section 2 of this act, no ~~No~~ person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except that no Nebraska certificate or permit shall be required of persons teaching exclusively in junior colleges organized as part of the public school system.

(2) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature, if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

Sec. 7. That section 79-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1701. ~~All~~ Except as provided in section 2 of this act, all private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils. All private, denominational, and parochial schools shall have adequate equipment and supplies, and shall be graded the same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

Sec. 8. That section 79-1705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1705. The county superintendent in first-class school districts, or the superintendent of schools in all other districts, where any private, denominational, or parochial school not otherwise inspected by an area or diocesan representative holding either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate is located, shall inspect such schools, except for any schools described in section 2 of this act, and report to the proper officers any evidence of failure to observe any of the provisions of sections 79-1701 to 79-1707. The ~~; PROVIDED, that the~~ Commissioner of Education, when in his or her judgment it is deemed advisable, may appoint a public school official other than the above, including a member of the State Department of Education, for such inspections. Such appointee shall hold either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate. The State Board of Education shall require the several county superintendents and superintendents of schools and appointed public school officials to make such inspections at least twice a year, and the school officers of such schools and the teachers giving instruction therein are required to permit such inspection and assist and cooperate in the making of the same.

Sec. 9. That original sections 79-201, 79-1229, 79-1233, 79-1701, and 79-1705, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Messrs. DeCamp and H. Peterson asked unanimous consent to print the following amendment to LB 771 in the Journal. No objections. So ordered.

AM1839

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The children who reside in this state are important resources. The State of Nebraska has a vital interest in these resources and, in order to protect and nurture such resources, has an obligation to assure that all children receive a quality education. At the same time the parents or guardians of children who reside in Nebraska are charged with the responsibility of caring for and instilling them with certain values and beliefs. Because of their beliefs, many parents and guardians believe that their children's education should be provided by a school which reflects their religious beliefs and that such a school should in no way be controlled by the state. It is the purpose of this act to achieve an appropriate balance between the state which has a legitimate interest in the education of Nebraska children and religious freedom.

Sec. 2. (1) A weekday church educational ministry or a private or denominational school shall be exempt from the accreditation, certification, or approval requirements prescribed by the laws of this state and the rules and regulations adopted and promulgated by the State Department of Education. The parent or legal guardian of children who attend such a ministry or school annually shall send to the county superintendent of schools a written statement containing the following provisions:

(a) That parent or legal guardian's religious beliefs mandate that his or her child attend such ministry or school;

(b) That parent or legal guardian agrees to have a nationally recognized standardized achievement test of basic skills administered to his or her child each year;

(c) That the child is in fact regularly attending school;

(d) That the child is receiving a structured program of education which covers all basic skills areas of study; and

(e) That such ministry or school is conducted within adequate physical facilities and with adequate instructional equipment and materials.

(2) If any parent or guardian refuses to furnish the statement required in subsection (1) of this section or if such statement contains fraudulent information, then the child of such parent or guardian shall be deemed in violation of section 79-201.

Sec. 3. Every child attending a weekday church educational ministry or a private or denominational school described in section 2 of this act shall be required annually to take a nationally recognized standardized achievement test of basic skills. Such test shall be chosen by the leadership of the ministry or school and administered in cooperation with the county superintendent of the school district in which the ministry or school is located. Each child attending the ministry or school shall be required to achieve a composite test score in basic skills at his or her chronological age level or demonstrate adequate annual advancement for his or her ability, except that no child shall be discriminated against due to a handicap or disability. If a child fails to achieve such test results for two consecutive years, then he or she shall be deemed in violation of section 79-201.

Sec. 4. That section 79-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

79-201. ~~Every~~ Except as provided in sections 2 and 3 of this act, every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child, not less than seven nor more than sixteen years of age, shall cause such child to attend regularly the public, private, denominational, or parochial day schools each day that such schools are open and in session except when excused by school authorities, unless such child has been graduated from high school. The term shall not be less than one hundred seventy-five days in any district, except that in the event of the failure of any district which receives twenty per cent or more of its total receipts for general fund purposes from federal sources, to actually receive receipts anticipated at the time of the adoption of the school budget from taxes, state funds, federal funds, tuition, or other sources, the board of education of such district may, at any time during the school year, elect to close all or part of its schools.

Sec. 5. That section 79-1229, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1229. All persons, except those employed in schools described in section 2 of this act, holding the official title of (1) superintendent of schools, (2) principal or supervisor of an accredited school, or (3) supervisor of any special subjects or subject in which such persons actually supervise the work of other teachers in that subject or those subjects, shall hold either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate.

Sec. 6. That section 79-1233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1233. (1) Except for those persons employed in schools described in section 2 of this act, no ~~No~~ person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except that no Nebraska certificate or permit shall be required of persons teaching exclusively in junior colleges organized as part of the public school system.

(2) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature, if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

Sec. 7. That section 79-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1701. ~~All~~ Except as provided in section 2 of this act, all private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils. All private, denominational, and parochial schools shall have adequate equipment and supplies, and shall be graded the same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

Sec. 8. That section 79-1705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1705. The county superintendent in first-class school districts, or the superintendent of schools in all other districts, where any private, denominational, or parochial school not otherwise inspected by an area or diocesan representative holding either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate is located, shall inspect such schools, except for any schools described in section 2 of this act, and report to the proper officers any evidence of failure to observe any of the provisions of sections 79-1701 to 79-1707. The ~~; PROVIDED, that the~~ Commissioner of Education, when in his or her judgment it is deemed advisable, may appoint a public school official other than the above, including a member of the State Department of Education, for such inspections. Such appointee shall hold either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate. The State Board of Education shall require the several county superintendents and superintendents of schools and appointed public school officials to make such inspections at least twice a year, and the school officers of such schools and the teachers giving instruction therein are required to permit such inspection and assist and cooperate in the making of the same.

Sec. 9. That original sections 79-201, 79-1229, 79-1233, 79-1701, and 79-1705, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

EXPLANATION OF VOTE

Had I been present, I would have voted yes on the Newell amendment to LB 700 and no on the Beutler amendment to LB 700.

(Signed) Rex Haberman

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 544. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 14A. By Kilgarin, 7th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 14, Eighty-eighth Legislature, Second Session, 1984.

SELECT FILE

LEGISLATIVE BILL 278. E & R amendments, AM5208, found in the

Journal on page 534 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 527. E & R amendment, AM5209, found in the Journal on page 534 for the Thirteenth Day was adopted.

Mr. Warner renewed his pending amendment found in the Journal on page 579.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 115. E & R amendments, AM5211, found in the Journal on page 556 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 38A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 475. E & R amendment, AM5212, found in the Journal on page 551 for the Fourteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 480. E & R amendment, AM5213, found in the Journal on page 551 for the Fourteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 171. E & R amendments, AM5214, found in the Journal on page 552 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 775. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 1084 in the Journal. No objections. So ordered.

(1) On page 1, strike the new material and insert " It is the Legislative intent of this act to more clearly define for local governments what criteria is to be considered when designating an area of their city or village as "blighted." The purpose of this designation is to promote economic development and rehabilitation in specific areas within that city or village that require this type of financing incentive, to revitalize the area, promote business in that area, and provide new employment opportunities in that area."

NEW SUBSECTION

Any city or village that pursuant to 18- 2101 et seq. declares a section of their city or village blighted, shall within the authorizing ordinance, establish that the section to be designated, shall meet at least one of the following conditions:

(a) unemployment in the designated area is 120 percent of the state or national average; or

(b) fifty percent of the families in the designated area have a family income that is eighty percent or less of the county median average; or

(c) that the population in the area has had a decrease of ten percent or more based on a comparison of the two most recent national censuses; or

(d) the average age of the residential or commercial structures in the designated area is forty years or older;

however, in no event shall a city of the metropolitan, primary or first class, designate more than thirty- five percent of their respective cities as blighted, and that a city of the second class or village shall not designate an area larger than fifty percent of their city or village as blighted.

(2) On page 2, line 11, after the word "that" insert"pursuant to section one of this act,"

(3) On page 3, strike the new material

GENERAL FILE

LEGISLATIVE BILL 700. Mr. Beutler offered the following amendment:

In the Beutler amendment (Request 1833) to the Committee amendment strike subsection one which reads "one member chosen from a labor union representing state employees"; in subsection (3), strike "two" and insert "three".

Pending.

Messrs. Barrett, Chronister, and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mr. Ben Meier and Mrs. Clara M. Jenkins of North Dakota; Edwin D. Dodd of Toledo, Ohio; Mrs. Marjorie Gaeth and Mrs. Adie Sahs of Schuyler; Mr. Mike Gregonik of Scottsbluff; and Mr. Arlo Wirth of Hartington.

ADJOURNMENT

Mr. Beutler moved to adjourn. The motion prevailed with 12 ayes, 9 nays, and 28 not voting, and at 11:59 a.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Wednesday, February 1, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 1, 1984

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 1, 1984

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Bishop James Randall, 3rd Ward Church of Latter Day Saints.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused; Messrs. Haberman, Harris, Hoagland, V. Johnson, R. Peterson, Schmit, Vickers, Wagner, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 470. Placed on Select File as amended.
E & R amendments to LB 470:
AM5240

1. Because of the amendment of section 81-197 by Laws 1983, LB 142, section 2, Laws 1983, LB 413, section 1, Laws 1983, LB 472, section 7, and Laws 1983, LB 476, section 25, strike original section 6 and insert the following new section:

“Sec. 7. That section 81-197, Revised Statutes Supplement, 1983, be amended to read as follows:

81-197. The State Board of Examiners of

Psychologists, created by section 71- 3803 ~~following agencies, boards, or commissions~~ shall terminate on July 1, 1984.~~:~~

~~(1) Board of Examiners in Dentistry, created by sections 71- 111 and 71- 112; and~~

~~(2) State Board of Examiners of Psychologists, created by section 71- 3803.~~”.

2. On page 1, line 1, after the semicolon insert “to amend sections 71-122.01, 71-129, 71-183.01, and 71-185, Reissue Revised Statutes of Nebraska, 1943, section 71-133, Revised Statutes Supplement, 1982, and section 81-197, Revised Statutes Supplement, 1983;”; in line 5 strike “practitioner’s” and insert “practitioners’ ”; in line 8 after the semicolon insert “to provide an additional exception to the applicability of a statute;”; in line 9 strike “a” and insert “the”; and strike beginning with “to” in line 9 through “emergency” in line 14 and insert “and to repeal the original sections”.

3. On page 2, line 18, strike “finds” and insert “find”.

4. On page 4, line 25, strike the third comma and show as stricken.

5. On page 5, line 3, strike the third comma and show as stricken.

6. On page 7, line 12, before “71-185” insert “and” and strike “and 81-197,”; in line 13 strike “and”; and in line 14 after the second comma insert “and section 81-197, Revised Statutes Supplement, 1983,”.

7. In the Standing Committee amendments, AM0584, adopted January 25, 1984:

a. On page 2, line 26, strike the first comma and show as stricken;

b. On page 3, line 4, strike the third comma and show as stricken; and in lines 13, 17, and 21 strike the comma and show as stricken; and

c. On page 4, line 18, after “Health” insert a period.

LEGISLATIVE BILL 470A. Placed on Select File as amended.
E & R amendments to LB 470A:
AM5239

1. On page 1, line 3, and page 2, line 9, strike “First” and insert “Second” and strike “1983” and insert “1984”.

2. On page 2, line 3, strike "1983" and insert "1984"; in line 4 strike "1984" and insert "1985"; and in line 6 strike "1984" and insert "1985" and strike "1985" and insert "1986".

LEGISLATIVE BILL 663. Placed on Select File.

LEGISLATIVE BILL 911. Placed on Select File as amended.
E & R amendment to LB 911:
AM5241

1. On page 1, line 1, strike "landfills" and insert "waste disposal facilities"; and in line 3 after "landfill" insert "or other waste disposal facility".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 218.

Correctly Engrossed

The following bill was correctly engrossed: 56.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Changes to LB 56

The following changes, required to be reported for publication in the Journal, have been made:
ER0154

1. Because of the Higgins, Scofield, and R. Johnson amendment adopted January 26, 1984:

a. Section 1 and E & R amendment 3 have been struck;

b. The remaining sections have been renumbered accordingly;

c. On page 1, line 1, "53-102," has been struck; and the matter beginning with the third "to" in line 3 through the first semicolon in line 4 has been struck; and

d. On page 16, line 10, "53-102," has been struck.

2. On page 1, line 4, after the last semicolon "to provide an operative date;" has been inserted.

3. In the E & R amendments, AM5202, on page 11, line 10, "liquor" has been struck and "liquors" inserted.

Enrollment and Review Change to LB 218

The following changes, required to be reported for publication in the Journal, have been made:
ER0153

1. In the Wesely-Goodrich amendment, AM1762, adopted January 26, 1984, on page 1, line 11; page 2, line 13; page 3, line 26; and page 4, line 5, "survivors" has been struck, shown as stricken, and "survivors" has been inserted.

(Signed) Mary Sommermeyer
E & R Attorney

MESSAGES FROM THE GOVERNOR

January 31, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 49, 189, 216, 226, 300, 333, 368, 373, 403, 403A, 510, 540, 564 were received in my office on January 26, 1984.

These bills were signed by me on January 31, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 870. No objections. So ordered.

MOTION - Withdraw LB 1043

Mr. Wagner moved to withdraw LB 1043.

Laid over.

MOTION - Withdraw LB 1044

Mr. Wagner moved to withdraw LB 1044.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 184
January 30, 1984

Dear Senator V. Johnson:

You wish to know whether a proposed amendment to the Nebraska Fair Employment Practice Act (FEPA), which would close the record of a Nebraska Equal Opportunity Commission public hearing, would conflict with statutory open meeting provisions or with any constitutional right to know or obtain information.

The proposed subsection, which would amend Neb.Rev.Stat. §48-1119 (Reissue 1978), states:

> (5) The parties to any settlement agreement reached during the public hearing process but before the issuing of a final order by the Commission may stipulate to the confidentiality of such settlement agreement and the record.

LB 739.

We are of the opinion that the proposed subsection is not governed by the Nebraska public meetings statute, Neb.Rev.Stat. §84-1408 to 84-1414 (Reissue 1981, 1983 Supp.), which applies to rule making functions of public bodies. (See Attorney General Opinion #105, July 14, 1975). The NEOC public hearings, which are conducted before a hearing examiner, in contrast, are judicial in nature.

Neb.Rev.Stat. §48-119(1) states:

> In case of failure to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion, the commission may order a public hearing. If such hearing is ordered, the commission shall cause to be issued and served a written notice, together with a copy of a complaint, requiring the person, employer, labor organization or employment agency named in the complaint, hereinafter referred to as respondent, to answer such charges at a hearing before the commission at a time and place which shall be specified in such notice. Such hearing shall be within the county where the alleged unfair practice occurred. The complainant shall be a party to the proceeding, and in the discretion of the commission any other person whose testimony has a bearing on the matter may be allowed to intervene therein. Both the complainant and the respondent, in addition to the commission, may introduce witnesses at the hearing. The respondent may file a verified answer to the allegations of the complaint and may appear at such hearing in person and with or without counsel. Testimony or other evidence may be introduced by either party. All evidence shall be under oath

> and a record thereof shall be made and preserved. Such proceedings shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the State of Nebraska, and shall be of public record.

As an initial matter, the language of the proposed subsection is not clear. It could be interpreted to mean either that the parties may bind themselves but no one else to maintain the confidentiality of the settlement agreement and record or that the stipulation of confidentiality would extend to to exclude all persons who desired access to the information in question. Presuming that the latter interpretation is meant, it is our opinion that the proposed amendment is constitutionally suspect. We would have no quarrel with a proposal that the parties be able to stipulate among themselves that they will not release the terms of settlement or the record to other persons. We do believe, however, that the parties cannot constitutionally stipulate to close the record of the public hearing from public scrutiny.

From the language of the FEPA, the public hearing can be considered analogous to a trial in district court, in terms of the role of the parties, introduction of evidence and the like. Most importantly, the hearing, just as a trial, is public. This obviously means that members of the public, as well as the parties, their counsel and the hearing examiner, may be present. The "public" would include members of the media who may publish what occurred at the hearing.

The proposed amendment would essentially put a stop to public dissemination of such information even if the public hearing was already completed, merely by the parties reaching a settlement prior to the NEOC's issuance of a final order. The parties could conceivably cut off public access by accepting the terms of the hearing examiner's recommended order and decision and then calling for confidentiality of everything that occurred beforehand.

The First Amendment of the United States Constitution states that "Congress shall make no law . . . abridging the freedom of speech, or of the press; . . ." The due process clause of the Fourteenth Amendment extends this liberty from "invasion by state action." Nebraska Press Association v. Stuart, 427 U.S. 539, 556 (1976). In that case, the Court stated:

> Much of the information that the Nebraska courts enjoined petitioners from publishing was already in the public domain, having been revealed in open court proceedings or through public documents. Our prior cases have foreclosed any serious contention that further disclosure of such information can be suppressed before publication or even punished after publication. "A trial is a public event. What transpires in the court room is public property. . . . Those who see and hear what transpired can report it with impunity. There is no special perquisite of the judiciary which enables it, as

> distinguished from other institutions of democratic government, to suppress, edit, or censor events which transpire in proceedings before it." Craig V. Harney, [331 U.S. 367] at 374. Similarly, Estes v. Texas [331 U.S. 532] at 541-542, a case involving the Sixth Amendment right to a fair trial, observed: "[R]eporters of all media . . . are plainly free to report whatever occurs in open court through their respective media. This was settled in Bridges v. California, 314 U.S. 252 (1941), and Pennekamp v. Florida, 328 U.S. 331 (1946), which we reaffirm."

427 U.S. at 595-596. (Brennan, concurring opinion).

In addition, the Supreme Court, in Oklahoma Publishing Co. v. District Court, 430 U.S. 308 (1977), a criminal case involving a juvenile, ruled that "The First and Fourteenth Amendments will not permit a state court to prohibit the publication of widely disseminated information obtained at court proceedings which were in fact open to the public." 430 U.S. at 310. Citing Nebraska Press Association v. Stuart, supra, the Court stated:

> The Court noted that under state law the trial court was permitted in certain circumstances to close pretrial proceedings to the public, but indicated that such an option did not allow the trial judge to suppress publication of information from the hearing if the public was allowed to attend: "[O]nce a public hearing had been held, what transpired there could not be subject to prior restraint." 427 U.S. at 568.

430 U.S. at 311. See also Cox Broadcasting Corp. v. Cohn, 420 U.S. 469 (1975).

Your proposed amendment could act to suppress the disclosure of information obtained at a public hearing by persons who had a right to be there, simply by the agreement of the parties. In contrast to Stuart,which involved the balancing between the First Amendment and the Sixth Amendment guarantee of trial by an impartial jury in a criminal prosecution, the interest in avoiding potentially damaging publicity at a public hearing involving allegations of employment discrimination is not as compelling. By the time the dispute has reached the public hearing stage, the parties have had ample opportunity to reach a settlement through confidential procedures established under the FEPA. See Neb.Rev.Stat. §48-1118(1) (1982 Cum.Supp.).

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Dale D. Brodkey
Assistant Attorney General

DDB:dr
cc: Patrick J. O'Donnell

Clerk of the Legislature

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 824. Placed on General File as amended.
Standing Committee amendments to LB 824:
AM1817

1. On page 2, strike beginning with the comma in line 17 through the first comma in line 18 and insert “or the director’s designee”.
2. On page 3, line 9 strike “not”; strike beginning with “the” in line 9 through “to” in line 11; and in line 12 after “purchaser” insert “rather than directly to the purchaser, if such business practice circumvents the rights of the seller”.

LEGISLATIVE BILL 991. Placed on General File as amended.
Standing Committee amendments to LB 991:
AM1815

1. On page 4, line 26, after the semicolon insert “and”.
2. On page 5, line 17, strike “and”; and in line 18 strike “sold”.

LEGISLATIVE BILL 1007. Placed on General File as amended.
Standing Committee amendments to LB 1007:
AM1816

1. On page 6, line 22, after “bond” insert “, irrevocable letter of credit, or certificate of deposit”.
2. One page 7, line 12, after the period insert “The irrevocable letter of credit or certificate of deposit must be issued by a depository institution insured by an agency of the United States government.”.
3. On page 9, in lines 9, 12, and 23, strike “keeper” and insert “licensee”.

(Signed) Rex Haberman, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 833A. By Carsten, 2nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 833, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

LEGISLATIVE BILL 835A. By Carsten, 2nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 835, Eighty-eighth Legislature, Second Session, 1984.

NOTICE OF COMMITTEE HEARING
Administrative Rules and Regulations Reveiw

LB 1080 Wednesday, February 15, 1984 7:00 p.m.

(Signed) Emil Beyer, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. H. Peterson asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

AM1789

1. On page 3, line 13, after the second comma insert "early childhood programs which are part of an organized religious ministry,".

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 672. Placed on General File as amended.
Standing Committee amendment to LB 672:
AM1826

1. On page 2, strike beginning with the underscored comma in line 11 through the underscored comma in line 12.

LEGISLATIVE BILL 711. Placed on General File as amended.
Standing Committee amendments to LB 711:
AM1827

1. On page 3, line 11, after "include" insert "the following items to be completed by the applicant in the event that the applicant desires to make an organ donation"; and strike beginning with "and" in line 23 through line 27 and insert an underscored period.

2. On page 4, strike lines 1 through 3.

LEGISLATIVE BILL 726. Placed on General File as amended.
Standing Committee amendments to LB 726:
AM1777

1. Insert new sections as follows:

"Section 1. That section 39-6,180, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,180. (1) The wheels of all vehicles, including trailers, except those operated at twenty miles per hour or less, shall be equipped with pneumatic tires.

(2) No wheel of a vehicle or trailer, referred to in subsection (1) of this section, equipped with pneumatic, solid rubber, or cushion tires shall carry a gross load in excess of ~~nine thousand pounds on the National System of Interstate and Defense Highways and~~ ten thousand pounds on any road or highway ~~not a part of the National System of Interstate and Defense Highways,~~ nor shall any axle carry a gross load in excess of ~~eighteen thousand pounds on the National System of Interstate and Defense Highways and~~ twenty thousand pounds on any road or highway. ~~not a part of the National System of Interstate and Defense Highways.~~ An axle load shall be defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

(3) Every vehicle, whether operated singly or in a combination of vehicles, and every combination of vehicles must comply with subsections (2) and (4) of this section, except as provided in section 39-6,180.02. The limitations imposed by this section are supplemental to all other provisions imposing limitations upon the size and weight of vehicles.

(4) No group of two or more consecutive axles shall carry~~, on the National System of Interstate and Defense Highways,~~ a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot.

~~Distance in feet between the extremes of any group of two~~	~~Maximum load in pounds carried on any group of two or more~~

~~or more consecutive axles~~	~~Two Axles~~	~~Three Axles~~	~~Four Axles~~	~~Five Axles~~	~~Six Axles~~
~~4~~	~~32,000~~				
~~5~~	~~32,000~~				
~~6~~	~~32,000~~				
~~7~~	~~32,000~~				
~~8~~	~~36,000~~	~~39,000~~			
~~9~~		~~39,750~~			
~~10~~		~~40,500~~			
~~11~~		~~41,250~~			
~~12~~		~~42,000~~	~~46,000~~		
~~13~~		~~42,750~~	~~46,667~~		
~~14~~		~~43,500~~	~~47,333~~		
~~15~~		~~44,250~~	~~48,000~~		
~~16~~		~~45,000~~	~~48,667~~	~~53,000~~	
~~17~~		~~45,750~~	~~49,333~~	~~53,625~~	
~~18~~		~~46,500~~	~~50,000~~	~~54,250~~	
~~19~~		~~47,250~~	~~50,667~~	~~54,875~~	
~~20~~		~~48,000~~	~~51,333~~	~~55,500~~	~~60,000~~
~~21~~		~~48,750~~	~~52,000~~	~~56,125~~	~~60,600~~
~~22~~		~~49,500~~	~~52,667~~	~~56,750~~	~~61,200~~
~~23~~		~~50,250~~	~~53,333~~	~~57,375~~	~~61,800~~
~~24~~		~~51,000~~	~~54,000~~	~~58,000~~	~~62,400~~
~~25~~		~~51,750~~	~~54,667~~	~~58,625~~	~~63,000~~
~~26~~		~~52,500~~	~~55,333~~	~~59,250~~	~~63,600~~
~~27~~		~~53,250~~	~~56,000~~	~~59,875~~	~~64,200~~
~~28~~		~~54,000~~	~~56,667~~	~~60,500~~	~~64,800~~
~~29~~			~~57,333~~	~~61,125~~	~~65,400~~
~~30~~			~~58,000~~	~~61,750~~	~~66,000~~
~~31~~			~~58,667~~	~~62,375~~	~~66,600~~
~~32~~			~~59,333~~	~~63,000~~	~~67,200~~
~~33~~			~~60,000~~	~~63,625~~	~~67,800~~
~~34~~			~~62,200~~	~~64,250~~	~~68,400~~
~~35~~			~~62,200~~	~~64,875~~	~~69,000~~
~~36~~			~~62,200~~	~~65,500~~	~~69,600~~
~~37~~			~~62,667~~	~~66,125~~	~~70,200~~
~~38~~			~~63,333~~	~~66,750~~	~~70,800~~
~~39~~			~~64,000~~	~~67,375~~	~~71,146~~
~~40~~			~~64,667~~	~~68,000~~	~~71,146~~
~~41~~			~~65,333~~	~~68,625~~	~~71,146~~
~~42~~			~~66,000~~	~~69,250~~	~~71,146~~
~~43~~			~~66,667~~	~~69,875~~	~~71,146~~
~~44~~			~~67,333~~	~~70,500~~	~~71,146~~
~~45~~			~~68,000~~	~~71,146~~	~~71,146~~

~~46~~	~~68,667~~	~~71,146~~	~~71,146~~
~~47~~	~~69,333~~	~~71,146~~	~~71,146~~
~~48~~	~~70,000~~	~~71,146~~	~~71,146~~
~~49~~	~~70,667~~	~~71,146~~	~~71,146~~
~~50~~	~~71,146~~	~~71,146~~	~~71,146~~

~~No group of two or more consecutive axles shall carry, on any road or highway not a part of the National System of Interstate and Defense Highways, a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot.~~

Distance in feet between the extremes of any group of two or more consecutive axles	Maximum load in pounds carried on any group of two or more consecutive axles					
	Two Axles	Three Axles	Four Axles	Five Axles	Six Axles	Seven Axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500		
21		51,500	56,000	61,000		
22		52,500	56,500	61,500		
23		53,000	57,500	62,500		
24		54,000	58,000	63,000		
25		54,500	58,500	63,500	69,000	
26		55,500	59,500	64,000	69,500	
27		56,000	60,000	65,000	70,000	
28		57,000	60,500	65,500	71,000	
29		57,500	61,500	66,000	71,500	

30	58,500	62,000	66,500	72,000	
31	59,000	62,500	67,500	72,500	
32	60,000	63,500	68,000	73,000	
33		64,000	68,500	74,000	
34		65,500	69,000	74,500	
35		65,500	70,000	75,000	
36		66,000	70,500	75,500	
37		66,500	71,000	76,000	81,500
38		67,500	72,000	77,000	82,000
39		68,000	72,500	77,500	82,500
40		68,500	73,000	78,000	83,500
41		69,500	73,500	78,500	84,000
42		70,000	74,000	79,000	84,500
43		70,500	75,000	80,000	85,000
44		71,500	75,500	80,500	85,500
45		72,000	76,000	81,000	86,000
46		72,500	76,500	81,500	87,000
47		73,500	77,500	82,000	87,500
48		74,000	78,000	83,000	88,000
49		74,500	78,500	83,500	88,500
50		75,500	79,000	84,000	89,000
51		76,000	80,000	84,500	89,500
52		76,500	80,500	85,000	90,500
53		77,500	81,000	86,000	91,000
54		78,000	81,500	86,500	91,500
55		78,500	82,500	87,000	92,000
56		79,500	83,000	87,500	92,500
57		80,000	83,500	88,000	93,000
58			84,000	89,000	94,000
59			85,000	89,500	94,500
60			85,500	90,000	95,000

(5) The distance between axles shall be measured to the nearest foot. When a fraction is exactly one half foot the next larger whole number shall be used.

(6) The limitations of subsections (2), (4), and (5) of this section shall apply as stated to all main, rural, and intercity roads, but shall not be construed as inhibiting heavier axle loads in metropolitan areas except on the National System of Interstate and Defense Highways if such loads are not prohibited by city ordinance.

(7) The weight limitations of wheel and axle loads as defined in subsections (2), (4), and (5) of this section shall be restricted to the extent deemed

necessary by the Department of Roads for a reasonable period where road subgrades or pavements are weak or are materially weakened by climatic conditions.

(8) If any truck shall cross a bridge with a total gross load in excess of the posted capacity of said bridge provided for by section 39-803.01, and, as a result of such crossing, any damage results to the bridge, the owner of such truck shall be responsible for all of such damage.

(9) Vehicles equipped with a greater number of axles than provided in the tables in subsection (4) of this section shall be legal, provided that they do not exceed the maximum load upon any wheel or axle, upon any group of two or more consecutive axles, and the total gross weight, or any of such weights as provided in subsections (2) and (4) of this section.

(10) Subsections (1) to (9) of this section shall not apply to a rubber tired crane with a fixed load when (a) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds.

Sec. 2. That section 39-6,180.01, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,180.01. Upon finding that no loss to the state of federal highway user funds would result therefrom, the Director-State Engineer shall ~~may~~ authorize the carrying on the National System of Interstate and Defense Highways of the weights set forth in the ~~second~~ table of weights in section 39-6,180 or such part thereof as would result in no loss to the state of such funds.".

2. On page 4, line 6, reinstate "section".

3. On page 8, line 27, after "sections" insert "39-6,180, 39-6,180.01,".

4. Renumber the remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

Judiciary

LEGISLATIVE BILL 696. Placed on General File as amended.
Standing Committee amendments to LB 696:
AM1853

1. On page 2, line 16, strike the comma; and lines 20 through 25 strike the new matter and reinstate the stricken matter.

2. On page 3, line 1, strike "rape, adultery", show as stricken, and insert "a crime of violence".

3. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Chris Beutler, Chairperson

Business and Labor

LEGISLATIVE BILL 776. Placed on General File as amended.
Standing Committee amendments to LB 776:
AM1791

1. Strike original section 1 and insert the following new section:

"Section 1. That section 48-115, Revised Statutes Supplement 1983, be amended to read as follows:

48-115. The terms employee and workman are used interchangeably and have the same meaning throughout ~~this act~~ Chapter 48, article 1. The said terms include the plural and all ages and both sexes, and shall be construed to mean:

(1) Every person in the service of the state

or of any governmental agency created by it including the Nebraska National Guard and members of the military forces of the State of Nebraska, under any appointment or contract of hire, expressed or implied, oral or written; PROVIDED, that (a) for the purposes of ~~this act~~ Chapter 48, article 1, volunteer firefighters of any fire department of any rural or suburban fire protection district, city, or village, which fire department is regularly organized under the laws of the State of Nebraska, shall be deemed employees of such rural or suburban fire protection district, city, or village while in the performance of their duties as members of such department, and shall be considered as having entered and as acting in the regular course of their employment when traveling from any place from which they have been called to active duty to a fire station or other place where firefighting equipment that their company or unit is to use is located or to any emergency that the volunteer firefighters may be officially called to participate in; (b) members of such volunteer fire department, before they are entitled to benefits under ~~this act~~ Chapter 48, article 1, shall be recommended by the chief of the fire department for membership therein to the board of directors, the mayor and city commission, the mayor and council, or the chairperson and board of trustees, as the case may be, and upon confirmation, shall be deemed employees of the rural or suburban fire protection district, city, or village; (c) members of such fire department after confirmation to membership may be removed by a majority vote of such board of directors, commission, council, or board, and thereafter shall not be considered employees of such rural or suburban fire protection district, city, or village; (d) firefighters of any fire department of any rural or suburban fire protection district, city, or village shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving property or life outside of the corporate limits of their respective districts, cities, or villages, but only if directed to do so by the chief of the fire department or some person authorized to act for such chief; (e) any members of the state Civil Defense Agency, any local organization for civil defense, or civil defense mobile support unit, which state Civil Defense Agency, local organization for civil defense, or civil defense mobile support unit is regularly organized under the laws of the State of Nebraska, shall be deemed employees of such state Civil Defense Agency, local organization for civil defense, or civil defense mobile support unit while in the performance of their duties as members of such state Civil Defense Agency, local organization, or mobile support unit; (f) any person fulfilling conditions of probation pursuant to any order of any court of this state who shall be working for a governmental body pursuant to any condition of probation shall be deemed an employee of such governmental body for the purposes of ~~this act~~ Chapter 48, article 1; (g) volunteer ambulance drivers and attendants who provide ambulance service for any county, city, or village or any combination of such county, city, or village under the authority of section 23-378 shall be deemed employees of the county, city, or village or combination thereof while in the performance of their duties as such ambulance drivers or attendants and shall be considered as having entered into and as acting in the regular course of their employment when traveling from any place from which they have been called to active duty to a hospital or other place where the ambulance they are to use is located or to any emergency in which the volunteer drivers or attendants may be officially called to participate, but such volunteer ambulance drivers or attendants shall be considered as acting in the performance and within the scope of their duties outside of the corporate limits of their respective county, city, or village only if officially directed to do so; (h) before such volunteer ambulance drivers or attendants shall be entitled to benefits under ~~this act~~ Chapter 48, article 1, they shall be confirmed to perform such duties by the county board, or the governing body of the city or village or combination thereof, as the case may be, and upon such confirmation shall be deemed employees of the county, city, or village or combination thereof and may be removed by majority vote of such county board or governing body of the city or village; and (i) members of a law enforcement reserve force appointed in accordance with section 81-1438 shall be deemed employees of the county or city for which they were appointed; and

(2) Every person in the service of an employer who is engaged in any trade, occupation, business, or

profession as described in section 48-106 under any contract of hire, expressed or implied, oral or written, including aliens and also including minors, who for the purpose of making election of remedies under ~~this act~~ Chapter 48, article 1, shall have the same power of contracting and electing as adult employees.

As used in subdivisions (1) and (2) of this section, such terms shall not be construed to include any person whose employment is not in the usual course of the trade, business, profession, or occupation of his or her employer.

If an employee subject to Chapter 48, article 1, suffers an injury on account of which he or she or, in the event of his or her death, his or her dependents would otherwise have been entitled to the benefits provided by Chapter 48, article 1, the employee or, in the event of his or her death, his or her dependents shall be entitled to the benefits provided under Chapter 48, article 1, if the injury or injury resulting in death occurred within this state, or if at the time of such injury (a) the employment was principally localized within this state, (b) the employer was performing work within this state, or (c) the contract of hire was made within this state.

(3) Every executive officer of a corporation elected or appointed under the provisions or authority of the charter, articles of incorporation, or bylaws of such corporation shall be an employee of such corporation under the provisions of ~~this act~~ Chapter 48, article 1, except that an executive officer of a Nebraska corporation who owns twenty-five per cent or more of the common stock of such corporation may waive his or her right to coverage. Such waiver shall be in writing and filed with the secretary of the corporation and the Nebraska Workmen's Compensation Court. Such waiver, as prescribed by the Nebraska Workmen's Compensation Court, shall include a statement in substantially the following form: Notice. I am aware that health and accident insurance policies frequently exclude coverage for personal injuries caused by accident or occupational disease arising out of and in the course of employment. Before waiving my rights to coverage under workmen's compensation law, I certify that I have carefully examined the terms of my health and accident coverage. Such waiver shall become

effective from the date of receipt by the court and shall remain in effect until the waiver is terminated by the officer in writing and filed with the secretary of the corporation and the Nebraska Workmen's Compensation Court. The termination of the corporate executive officer's waiver shall be effective upon receipt of the termination by the court. It shall not be permissible to terminate a waiver prior to one year after the waiver has become effective.

(4) Each individual employer, partner, or self-employed person who is actually engaged in the individual employer's, partnership's, or self-employed person's business on a substantially full-time basis may elect to bring himself or herself within the provisions of Chapter 48, article 1, if he or she (a) files with his or her current workmen's compensation insurer written notice of election to have the same rights as an employee only for purposes of workmen's compensation insurance coverage acquired by and for such individual employer, partner, or self-employed person or (b) gives notice of such election and such insurer collects a premium for such coverage acquired by and for such individual employer, partner, or self-employed person. This election shall be effective from the date of receipt by the insurer for the current policy and subsequent policies issued by such insurer until such time as such employer, partner, or self-employed person files a written statement withdrawing such election with the current workmen's compensation insurer or until such coverage by such insurer is terminated, whichever occurs first. When so included, the individual employer, partner, or self-employed person shall have the same rights as an employee only with respect to the benefits provided under Chapter 48, article 1. If any individual employer, partner, or self-employed person who is actually engaged in the individual employer's partnership's, or self-employed person's business on a substantially full-time basis has not elected to bring himself or herself within the provisions of Chapter 48, article 1, pursuant to this subdivision and any health, accident, or other insurance policy issued to or renewed by such person after the effective date of this act contains an exclusion of coverage, if the insured is otherwise entitled to workmen's compensation coverage, such exclusion shall be null and void as to such person.

~~The said terms shall not be construed to include any person whose employment is not in the usual course of the trade, business, profession, or occupation of his or her employer.~~

~~If an employee subject to this act suffers an injury on account of which he or she or, in the event of his or her death, his or her dependents would otherwise have been entitled to the benefits provided by this act, the employee or, in the event of his or her death, his or her dependents shall be entitled to the benefits provided under this act if the injury or injury resulting in death occurred within this state, or if at the time of such injury (a) the employment was principally localized within this state, (b) the employer was performing work within this state, or (c) the contract of hire was made within this state.~~".

(Signed) Bill Barrett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 700. Mr. Beutler asked unanimous consent to withdraw his pending amendment found in the Journal on page 666. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Messrs. Abboud and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment:
(1) Strike the sentence beginning in line 7, page 2 and ending in line 12, page 2 and delete the words "as described in section 1 of this act" beginning on line 17, page 4 and on line 20, page 5.
(2) Add the following subsection after the paragraph ending on page 5, line 9:

"(3) Whether the compensation received in male-dominated classes of employees has a rational basis compared to total compensation for the same type of work done in the labor market of the private sector"

(3)Add the following after the paragraph ending on page 5, line 24:

"The report shall recommend a plan of implementation to include the following:

a) The immediate correction of discriminating situations where and

to the extent that compensation paid male dominated classes has no rational basis when compared to total compensation for the same type of work done in the labor market of the private sector.
b) The staged correction of inequitable classes where and to the extent that compensation paid male dominated classes has a rational basis when compared to total compensation for the same type of work done in the labor market of the private sector which staged correction plan shall not exceed ten years in duration."

Pending.

MOTION - Escort Governor

Speaker Nichol moved that a committee of five be appointed to escort the Governor to the Chamber to deliver his Economic Development Address.

The motion prevailed.

The Chair appointed Messrs. Carsten, Remmers, Beutler, Hannibal, and McDonald to serve on said Committee.

The Committee escorted Governor Robert Kerrey to the Rostrum where he delivered the following message:

ECONOMIC DEVELOPMENT ADDRESS

GOVERNOR ROBERT KERREY TO THE LEGISLATURE

FEBRUARY 1, 1984

As I indicated in my State of the State Address last month, I am returning today to present to you a detailed plan for economic development in Nebraska.

This is a plan grounded in the belief that government should provide the foundation for individual freedom and opportunity. It is a plan which recognizes that we are a state of many different kinds of people, with different dreams, skills, resources, and plans.

Further, this is a state with young people learning in our public and private schools, playing in our public parks, reading in our public libraries, and enjoying our public museums and art galleries.

This is a state with older people who are also trying to achieve their new dreams and aspirations.

This is a state with wealthy individuals looking for lucrative investment opportunities and poor individuals who need public assistance.

This is a state of communities, of churches, and of volunteer groups, all striving for a better Nebraska.

This is a state of farmers, ranchers, artists, manufacturers, professionals, employed and unemployed people. Some Nebraskans are just beginning their work lives; others are just ending them.

Government must provide opportunities for all.

As members of this body, you are faced today with more problems than most legislators who have wrestled with questions of how to invest, and regulate, and provide services to our people. Among the weighty items on your agenda are the Commonwealth insolvency, Christian schools, property tax relief, and now, the Holiday Inn decision.

But as you grapple with these issues, I ask that you bear in mind what we have accomplished and what we can accomplish in economic development. One Nebraska sucess story is Bob Allington. On my Industry Recognition tour, I met Bob Allington, who started ISCO which produces scientific instruments for labs and universities around the world. He told me that he was going to establish his company in Denver until he learned that tax exempt IDA bonds were available here. His company now employs 400 people in Lincoln. It identifies Nebraska internationally as a center of scientific achievement. It also raises the level of knowledge and scientific consciousness in this community.

Bob Allington is the human reality which tax exempt financing can bring to a community. I want you to recognize Bob, who is with us today, with a hand of appreciation.

The plan I offer you today is consistent with Bob's goals — with the goals of our people in this state — and can best be addressed through five distinct areas: Agriculture, Telecommunications, Education, Water, and Financing.

AGRICULTURE

Two major forces impacting agriculture today — forces especially important for independent producers — are the 1985 Farm Bill and the fiscal and monetary policies of our federal government. Participation in the Ag Forums will help us to understand and prepare for the '85 Farm Bill. And we will continue our efforts aimed at persuading the federal government to correct its fiscal and monetary policies. These policies have produced record real interest rates and a strong dollar, both of which have adversely affected basic agriculture.

It is one thing for a producer to go broke because of errors or weather or bad management. It is quite another thing to go broke because you aren't able to hurdle the barrier represented by a strong dollar. We can trust our farmers to be productive and to work hard to overcome the usual problems in agricultural production. But it's up to the political leaders to solve the problems our federal budget deficit creates.

One thing we can do is try to manage those entitlement programs over which we exert some control: Medicaid, Medicare, Food Stamps, Title 20 Social Services, AFDC. All are federal programs administered by the state. But with a statewide system of social services in place and a relatively stable client population, this state government ought to work hard to meet a goal of delivering social services with still greater efficiency.

There are a number of established things we've done in state government for agriculture. The contributions in education, research, and extension by our Institute of Agriculture and Natural Resources have helped Nebraska farmers produce the lowest cost food and fiber in the world. We have spent money to manage, conserve, and develop our water resources. We have provided some marketing assistance for the export of our agricultural products. We have invested in a transportation system which enables us to trade with the world. We have developed production techniques that conserve soil, water, and energy, such as conservation tillage and irrigation management. We have developed grain-based fuel products to realize the potential of the raw materials we produce so well.

Now I would like to highlight two new programs I consider important for the future of agriculture in Nebraska.

Animal Science Complex

First, University involvement is important in the development of our agricultural economy. As I've mentioned before, I am supporting completion of the University's Animal Science Complex, which I expect to be one of the finest in the United States. This complex will provide our excellent research, education, and extension personnel with the tools to support and encourage not only Nebraska's $3 billion livestock industry, but also the meat processing industry, which is in critical need of increased research.

Increased emphasis on basic research is essential in animal agriculture if we are to capture and use the emerging potential of biotechnology. Nebraska's reliance on the livestock industry demands that we build toward leadership in that field.

As a leading livestock producing state, Nebraska represents both a major market and a logical testing and evaluation site for animal health care products and technology. Industrial concerns which manufacture and market animal health care products are now located in Nebraska. With the Animal Science Complex, the environment will be favorable for substantial expansion of this industry. Livestock-related products currently in use resulted from research discoveries at University and USDA reseach laboratories.

I continue to be in strong support of the Regional College of Veterinary Medicine as an important link in the economic development of animal agriculture on the High Plains. I believe if we can obtain the support of two other states in the construction and operation of this facility, coupled with the federal money, we will have a bargain.

Beginning Farmer Program

Second, I am recommending the establishment of a program targeted specifically for beginning farmers with limited resources and those farmers facing serious financial difficulties, the Nebraska Beginning Farmer Program. The program is not a government subsidy to prop up inefficient farmers. Rather, it is a recognition that the family farm unit is our most productive unit and, as is the case for all new businesses, high interest rates are a substantial barrier to getting started in 1984.

Specifics of the program are spelled out in LB 1005. I want to thank the twelve senators who have indicated their support of this bill.

TELECOMMUNICATIONS

The telecommunication and information industry creates tremendous opportunities for Nebraskans. Today, I want to challenge all Nebraskans to join me in participating in this industry of the 21st century.

The Task Force on Communication and Information Systems Technology found that Nebraska has a strong communication and information industry, and great potential for dynamic growth. Nebraska can become a world-class center for the communications industry. Its growth will mean jobs. In addition, it will improve the social and political life of our citizens because they will have easier access to the world's information systems.

In a sense, the Task Force raised as many questions as it answered. Telecommunications is an industry which is changing rapidly in terms of both technology and regulatory environment. For example, while the Task Force was meeting, new international information systems were being integrated and the AT&T divestiture was taking place. We will not have unanimous agreement on these changes. It is an industry with alternative futures; which future is ours depends on the policies we establish and how we decide to manage that future as it unfolds. We must begin discussing the issues, then decide on the course of action for Nebraska, and move forward. The benefits will be tremendous. It will improve and diversify our economic base. It will create a lifestyle consistent with our desire for more information in order to better govern ourselves and to better take advantage of opportunities. It will allow us to improve our knowledge base, and knowledge is the critical concern in future economic growth. It will allow greater enjoyment during our leisure hours.

The Task Force clearly saw a need for us to become involved in three areas to help our people: education or new knowledge of these technologies; regulation; and economic development or accessing information and knowledge and turning it into economic activity.

To fulfill the principal Task Force recommendations, I am providing legislation along with a request for $470,000 to establish a Telecommunications and Information Center. The Center will be located in the Communications Division of the Department of Administrative Services. Without such a Center, Nebraska will not be able to capitalize on its opportunities. Thousands of new companies are now being formed to profit from the Information Age. Nebraska needs to participate. Nebraska must stake its claim now or it will quickly lose the race.

In addition to the establishment of the Telecommunications and Information Center, I am requesting that the Department of Revenue, the Public Service Commission, and the Department of Economic Development respond to the challenges of the report which pertain to them.

The Task Force raised a number of important questions with regard to the taxation of information under Nebraska's sales and personal property tax laws. The Department of Revenue needs to consider those and decide whether further action needs to be taken.

The report indicated that the Department of Economic Development has had a minimal involvement with the communications and information industry in the past. In turn, the report suggested that DED reallocate some of its personnel and resources in order to promote this industry in Nebraska. I am requesting full consideration and analysis of those suggestions and the development of a plan of action consistent with them.

The next two decades are widely projected to see the growth of the Information Age, which will produce major changes in our technological capabilities, job and industry structures, and institutional relationships. A major point made in the Task Force report is that the citizens of Nebraska can, with thoughtful and critical evaluation, take advantage of these changes to produce new jobs, consumer benefits, and increased economic activity within the state. Nebraska can, in fact, become a world-class center in several emerging areas of communications and information systems.

To accomplish this, we must make opportunities available to entrepreneurs through the Telecommunication Information Center which I recommended earlier. In order for the new information technology to be truly valuable, we need entrepreneurs who can anticipate and meet needs beyond the lab. In addition, our state agencies develop new integrated communications systems on a regular basis. The Telecommunication and Information Center can make these systems available to entrepreneurs who can deliver them to end users across the nation.

EDUCATION AND RESEARCH

If we are to have economic progress, we must provide education to the people of this state for their role as citizens and as potential competitors in a technological society and in the market place of ideas. I believe that is a sound economic development philosophy. This is, of course, a task which is never completed. Education is an ongoing process. It includes primary and secondary, public and private, universities, technical colleges, state colleges, and vocational training programs like the Jobs Partnership Training Act. There are always new technological and knowledge developments. New ideas need to be acquired, curricula changed, company training programs updated, and refresher courses provided. However, if we are all given the opportunity to become competent citizens, workers, professionals, and managers, we all become agents for economic development. Everyone is worthy of participating and everyone should be given that opportunity.

A number of my task forces emphasized the need for high quality educational institutions in order to encourage economic development, because, at its base, economic development is people. Knowledge is the mother of invention and invention the mother of resources.

For these reasons, I urge you again to support LB 994 to raise our teachers' salaries.

The base of an economy, I have suggested, is the result in large measure, of knowledge and technology and the exercise of individual choice. Therefore, we must also have people who are working at the very frontier of knowledge in our university research centers. Earlier, I discussed the need for advanced research in animal science and veterinary medicine. It is also true in numerous other areas. If Nebraska is going to continue its leadership position in telecommunications and information technology, it will need advanced research in the social and policy sciences for delivering analytically-based information systems. It will also need research assistance from the engineering, chemical, physical, and computer sciences. For this reason, I have previously approved the expenditure of one million additional dollars on computers at the University of Nebraska. We have also continued to support the Food Processing Center. Strong University of Nebraska-Lincoln research programs in disciplines relating to the food processing industry are essential to provide a technological resource base which will attract and serve an expanded food processing industry. The Nebraska Food Processing Center is a joint effort of UN-L and the Department of Economic Development.

The research base and technical expertise in the University is not being fully utilized if it cannot be readily accessed. A center to interface faulty and those who need technical assistance should be established. To do so, I am requesting that $125,000 be provided for establishment of a Nebraska Technical Assistance Center at the University of

Nebraska. The Center will serve as a clearinghouse for technical assistance requests in order to link those with knowledge to those with technical problems.

WATER

Another consideration which is vital to economic development in Nebraska is our water resources. Critical to our number one industry — agriculture — and essential for maintaining the high quality of life which attracts and retains individuals in the state, no discussion of economic development in Nebraska would be complete without a discussion of water.

We are fortunate to have established a national leadership role in both the development and conservation of water resources. The Water Independence Congress which I convened in 1983 stands squarely in this tradition of leadership. It brought together forty Nebraskans representing a broad spectrum of water interests to work together for a common goal: a consensus water policy predicated on the best interests of the entire state.

Again, I support and urge you to support the water recommendations which I offered in my State of the State address.

Let me reemphasize that two things are abundantly clear to me from the Water Congress report. We must maintain the tradition of local control in the management of our water resources. And the state's Chief Executive should be accountable to the people of Nebraska for both the successes and failures in Nebraska water policy. The recommendations of the Water Congress provide the framework we need to move forward and continue our heritage as national leaders.

Water policy is also a controversial issue because it is an issue of balance — balance between exploitation and preservation. The goal is to conserve water resources while utilizing them for our economic welfare. Anytime there are decisions to be made with regard to balance, different interests will find that balance to be at a different point along the spectrum of possibilities. Dealing with the controversy, we can arrive at a collective consensus.

FINANCE

The flow of finances and its cost may seem to many to be an abstract issue unrelated to our human aspirations and social concerns. That is an incorrect assumption. For individuals and firms, access to money and credit often determines what can be done economically. The lack of affordable finance denies the individuals opportunities to pursue their economic visions. It denies communities economic and social viability.

Inadequate funding also can prevent businesses from giving workers an opportunity to express their workmanship. It can prevent communities from financing their infrastructure expenditures. A well functioning finance and credit system can be designed for the pursuit of human goals. Credit institutions should be arranged to finance whatever the economy's resources, trained labor force, and cultural climate will permit.

Today, we in Nebraska still do not have sufficient financing mechanisms at affordable interest rates. We still have capital gaps. Due to the large federal deficit, real interest rates are too high and the dollar is too expensive. It is hurting our farmers and our businesses which produce for export to other countries. Therefore, we must do more with tax exempt bonds, provide equity capital for small businesses, obtain more UDAG and community block grants, and make greater use of our public pension funds.

NIFA

In its brief five-month history since August 1983, NIFA has compiled an impressive record in promoting the state's agricultural and economic growth and in expanding housing opportunity. Tax exempt bonds project a veil of technical jargon and high finance. Behind that veil are human stories like Bob Allington's.

NIFA can do still more to improve communities. LB 954 will expand NIFA's opportunities to stimulate development, finance community infrastructure facilities, and to make funds available for energy conservation projects.

Small Business Development Authority

There are serious capital gaps for small businesses in Nebraska. My Small Business Equity Task Force said that if the economy is going to prosper, small business start-ups and expansions have to be encouraged. If we want jobs, production, and innovation, then small business enhancement must be an important part of our economic devlopment effort. Although small businesses create most of our new jobs, have a high rate of innovation, and as a whole are profitable, they do not have adequate access to venture and equity funds. Therefore, I am supporting the passage of LB 1117 to establish the Small Business Development Authority Act.

There is a need for "patient money" for Nebraska businesses — capital for which the investor can wait for return while the business is becoming established. The early years of a business are usually years of a negative-cash flow. If the business must depend on debt capital, it is left in a precarious situation and cannot generate the cash flow necessary to make the interest and principal payments.

To fill the equity capital gaps in Nebraska, the Task Force designed an equity capital corporation like the Small Business Development Authority to provide equity funds, subordinated debt, and technical assistance. The equity capital corporation is not intended as a subsidy program. It is not designed to save dying industires, prop up poor management, provide incentives, or help untenable new businesses. It is designed to provide funding for viable new and expanding small businesses.

The purpose of the Small Business Development Authority will be to bring together both the funds and the technical assistance necessary to make it possible for small businesses to obtain capital. Many services, such as technical assistance and business planning, are not readily accessible to our entrepreneurs. The Omaha Small Business Administration and Omaha Chamber of Commerce said in their report that the lack of an organization to "advise on how to start a business at the very early conceptual stage of development" is currently hurting entrepreneurial activity in that city. Therefore, the purpose of the Small Business Development Authority is to provide: assistance in preparation of a business plan, technical and managerial counseling, equity capital searches, and the provision of equity capital to small businesses.

I am requesting $150,000 in funds to provide personnel and office for the Small Business Development Authority.

Federal Grant Programs

We will also target Community Development Block Grants for increased economic development and we will pursue Urban Development Action Grants. Both can be used to leverage development and effectively add equity to a project.

Pension Investment Task Force

And we will continue to recommend to the Investment Council that they study how pension funds might be targeted to Nebraska business investments in a manner more consistent with both the prudent man rule and the greater return on investment concept.

But let's remember that economic development is more than agriculture, telecommunications, education, water, and financing.

Economic development is also services which enable a disabled worker to increase his or her productivity, a new airport runway to more efficiently link Nebraskans with still greater opportunities, health promotion and disease prevention activities which strengthen our workforce, and health cost control efforts which increase Nebraska's attractiveness to prospective new businesses and industries. It is disseminating labor market information to businesses so that they can make better-informed decisions, and regulating our banks, savings and loans, and insurance companies to protect our money. It is helping our veterans move productively back into society. It is strong schools staffed by dedicated teachers performing the duties schools ought to perform. It is protecting our citizens from crime and providing assistance in time of accidents or disasters. It is a quality road system and integration of rail planning with road construction to ensure efficient and safe transportation of Nebraskans, their goods, and their services. It is prudent management of our precious water resources, conservation of energy, and reduction of energy costs. It is our lively arts, our museums, and our educational television, which inspire, inform, and relax us. It is our Small Business Revitalization Program, technical assistance to businesses, and our "Mainstreet" Improvement Program for community business districts. It is providing public assistance recipients with the job skills vital for productivity and self esteem.

From Lou Lamberty and the Department of Roads to Don Dworak and the Department of Economic Development; from Ron Sorensen in the Department of Labor to Rob Raun in the Department of Agriculture and Sonny Foster with the Jobs Training Partnership Act; from the Department of Public Institutions to Social Services, Water Resources, Energy, Health, and the Department of Administrative Services, state agencies and their staffs are and should be hard at work for economic development.

The items I am proposing today are constructive, and can contribute significantly to the prosperity and well-being of Nebraskans, acting as tools by which Nebraskans can build their own futures. With patience, perseverance, and a commitment to tomorrow, we can effectively build opportunities for all our people, and thereby build a future which captures our best hopes and dreams. We have the essential requirements: a solid past on which to draw, faith in the family and in the community as basic building units, and a good deal of faith in what we can accomplish. With those qualities, we will surely succeed."

The Committee escorted the Governor from the Chamber.

NOTICE OF COMMITTEE HEARINGS

Appropriations Committee

Wednesday, February 8, 1984 - 1:30 p.m.

Agency 21 State Fire Marshal
Agency 23 Department of Labor
Agency 16 Department of Revenue
Agency 44 Bingo & Pickle Card Regulatory Commission
Agency 24 Department of Motor Vehicles
Agency 17 Department of Aeronautics

Thursday, February 9, 1984 - 1:30 p.m.

Public Hearing:
LB 1110 Appropriate funds to the Resources Development Fund

Agency 55 Natural Resources Commission
Agency 29 Department of Water Resources
Agency 84 Department of Environmental Control
Agency 72 Department of Economic Development

Public Hearing: Community Development Block Grant

Friday, February 10, 1984 - 1:30 p.m.

Public Hearing:
LB 841 Change fees for various electrician licenses.

Agency 30 State Electrical Board
Agency 14 Public Service Commission
Agency 19 Department of Banking
Agency 22 Department of Insurance
Agency 35 Liquor Control Commission
Agency 41 Real Estate Commission

Monday, February 13, 1984-1:30 p.m.

Agency 47 Educational Television Commission

Public Hearing:
LB 1015 Change provisions for University and UNO Cash Funds
LB 1034 Appropriate additional funds for veterinary diagnostic program.
LB 867 Complete construction of the Animal Science Complex.

Agency 51 University of Nebraska

Tuesday, February 14, 1984- 1:30 p.m.

Agency 48 Nebraska Coordinating Commission for Postsecondary Education
Agency 49 Board of Trustees of the Nebraska State Colleges
Agency 50 State Colleges: Chadron, Kearney, Peru, Wayne
Agency 83 Technical Community Colleges

Wednesday, February 15, 1984- 1:30 p.m.

Agency 34 Library Commission
Agency 54 State Historical Society
Agency 69 Nebraska Arts Council
Agency 82 Commission for the Hearing Impaired
Agency 13 Department of Education

Public Hearing: Education Block Grant

Thursday, February 16, 1984 - 1:30 p.m.

Agency 11 Attorney General
Agency 05 Supreme Court
Agency 06 District Court
Agency 15 Board of Pardons & Parole
Agency 46 Department of Corrections
Agency 78 Commission on Law Enforcement and Criminal Justice

Friday, February 17, 1984 - 8:30 a.m.

Public Hearing:
LB 878 Change allocation of the Highway Allocation Fund

Agency 27 Department of Roads
Agency 90 Branch Rail Revitalization Council
Agency 64 State Patrol
Agency 33 Game and Parks Commission

2:00 p.m.

Agency 18 Department of Agriculture
Agency 39 Nebraska Brand Committee
Agency 42 Nebraska Beef Board
Agency 56 Nebraska Wheat Board
Agency 32 Board of Educational Lands and Funds
Agency 53 Agricultural Activities

Tuesday, February 21, 1984 - 1:30 p.m.

Agency 31 Military Department
Agency 38 Nebraska Commission on the Status of Women
Agency 67 Equal Opportunity Commission
Agency 68 Mexican/American Commission
Agency 72 Nebraska Indian Commission
Agency 71 Department on Aging
Agency 20 Department of Health

Public Hearing: Health Prevention and Services Block Grant, Maternal and Child Health Block Grant, Primary Care Block Grant

Wednesday, February 22, 1984 - 1:30 p.m.

Public Hearing:
LB 827 Provide that committing county shall pay costs of confinement under Mental Health Commitment Act.

Agency 28 Department of Veterans Affairs

Agency 70 Foster Care Review Board
Agency 25 Department of Public Institutions

Public Hearing:Alcohol, Drug Abuse and Mental Services Block Grant

Agency 26 Department of Social Services

Public Hearing: Social Services Block Grant, Low Income Energy Assistance Block Grant, Community Services Block Grant

Thursday, February 23, 1984 - 1:30 p.m.

Public Hearing:
LB 959 Allow creditors of state agencies to charge interest.
LB 838 Provide for continuation of the LB 309 Task Force for Building Renewal.

Agency 03 Legislative Council
Agency 04 Policy Research Office
Agency 07 Governor
Agency 08 Lieutenant Governor
Agency 65 Department of Administrative Services

(Signed) Jerome Warner, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1125. By Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-1120.01, 81-1120.02, 81-1120.18, and 81-1120.23, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to create the Telecommunications and Information Center; to provide duties; to define a term; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 705. Title read. Considered.

Standing Committee amendment, AM1710, found in the Journal on page 544 for the Thirteenth Day was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Pappas moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Advanced to E & R for Review with 27 ayes, 13 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 736. Title read. Considered.

Standing Committee amendments, AM1711, found in the Journal on page 544 for the Thirteenth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Messrs. Landis and Lamb offered the following amendment:
Strike §2 and § 4 of the bill.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Landis - Lamb amendment was adopted with 25 ayes, 11 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Carsten asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 759. Title read. Considered.

Standing Committee amendments, AM1726, found in the Journal on page 545 for the Thirteenth Day were considered.

Mr. Hoagland offered the following amendment to the Standing Committee amendments:
AM1726
1. Strike original sections 6 and 10 to 14.

2. On page 2, line 1, strike "14" and insert "8"; in line 7 strike "7" and insert "6"; and in line 27 strike "independent and" and insert "a preponderance of the evidence.".

3. On page 3, strike line 1; and in line 6 strike "(|)" and insert "(1)".

4. On page 5, line 13, strike "(1)"; and strike lines 20 to 27.

5. On page 6, strike lines 1 to 3.

6. Renumber remaining sections accordingly.

The Hoagland amendment to the Standing Committee amendments was adopted with 17 ayes, 8 nays, 20 present and not voting, and 4 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 6 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Newell asked unanimous consent to be excused. No objections. So ordered.

Failed to advance to E & R for Review with 19 ayes, 16 nays, 9 present and not voting, and 5 excused and not voting. Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 625. E & R amendment, AM5190, found in the Journal on page 417 for the Eighth Day was adopted.

Advanced to E & R for Engrossment.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 710. E & R amendment, AM5217, found in the

Journal on page 589 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 734. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 748. E & R amendment, AM5216, found in the Journal on page 590 for the Sixteenth Day was adopted.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 896. E & R amendment, AM5218, found in the Journal on page 590 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 723. Passed over.

GENERAL FILE

LEGISLATIVE BILL 808. Title read. Considered.

Standing Committee amendments, AM1671, found in the Journal on page 545 for the Thirteenth Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 360. Title read. Considered.

Mr. DeCamp asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 551. Title read. Considered.

Standing Committee amendments, AM0829, found in the Journal on page 1093 for the Fiftieth Day, First Session, were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Messrs. Lamb and Nichol asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved to indefinitely postpone LB 551.

ADJOURNMENT

Mr. Beutler moved to adjourn. The motion prevailed and at 11:59 a.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Thursday, February 2, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 2, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 2, 1984

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Dr. Lee R. Wigert of Faith United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; Messrs. Barrett, Beutler, Chambers, Goodrich, Lamb, Landis, Schmit, Sieck, Vickers, Warner, Mesdames Higgins, Morehead, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 765. Placed on General File as amended.
Standing Committee amendments to LB 765:
AM1805

1. On page 2, line 3, before "When" insert "(1)"; strike the new matter in lines 5 through 9; and after line 12 insert a new subsection as follows:

"(2) When personal injury is caused to an athlete by accident or disease in preparation for or participation in any intercollegiate athletic event conducted by, with, or through any postsecondary educational institution in this state which receives tax revenue, such athlete shall receive compensation therfor from such institution if such athlete has elected, prior to injury, to come within the provisions of Nebraska law relating to workmen's compensation by filing with such institution a written notice of election of workmen's compensation insurance coverage. If such institution establishes or participates in any insurance program or plan designed to cover athletes, any athlete who has filed such notice may, prior to injury, come within the coverage of such program or plan by filing with such institution a written notice of withdrawal of such election. For purposes of computing benefits, an athlete who elects to come within the provisions of Nebraska law relating to workmen's compensation shall receive benefits as if such athlete were receiving wages in an amount one and one half times the maximum compensation rate for total disability as provided in section 48-121. Nothing in this subsection shall be construed to render any athlete entitled to make such election an employee of such institution.".

2. Strike original section 2.

3. On page 7, strike beginning with "and" in line 26 through "are" in line 27 and insert "is".

4. Renumber original section 3 as section 2.

(Signed) William Barrett, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 822. Placed on General File as amended.
Standing Committee amendment to LB 822:
AM1821

1. On page 4, strike beginning with "be" in line 9 through the underscored period in line 23, show the old matter as stricken, and insert:

"(a) protect the health and safety of persons living in modular housing units, (b) assure reciprocity with other states that have adopted standards which protect the health and safety of persons living in modular housing units whose purpose is to make uniform the law of those states which adopt them (c) allow variations from such uniform standards as will reduce unnecessary costs of construction or increase safety, durability, or efficiency, including energy efficiency, of the modular housing unit without jeopardizing such reciprocity, and (d) assure changes in those uniform standards which reflect new technology making possible greater safety, efficiency, including energy efficiency, economy, or durability than earlier standards.".

(Signed) George Fenger, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 253.

Introduced by Hoagland, 6th District; Labedz, 5th District; Withem, 14th District; Newell, 13th District.

WHEREAS, access to higher education in Nebraska is greatly assisted by guaranteed student loans; and

WHEREAS, many Nebraska students could not afford the college of their choice without a guaranteed student loan; and

WHEREAS, many Nebraska banks make such loans but are dependent upon a secondary market to purchase and service the loans; and

WHEREAS, most small banks in Nebraska would cease lending to financially needy students without a secondary market which meets their specific needs; and

WHEREAS, the federal government has in the past encouraged the creation of state student loan bond issue authorities to provide a secondary market; and

WHEREAS, the tax-exempt bond issues of The Nebraska Higher Education Loan Program (NEBHELP) have provided a secondary market for Guaranteed Student Loans; and

WHEREAS, the United States Department of Education has recently disapproved and delayed further bond issues for many states, including Nebraska; and

WHEREAS, Congress has considered a limit on most tax-exempt bond issues, which would further jeopardize Nebraska student loan bond issues; and

WHEREAS, these actions could severely limit access to higher education in Nebraska and elsewhere.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the United States Department of Education be encouraged to approve, in accordance with law, student loan bond issues which meet a demonstrated need.
2. That Congress should not place a limit on student loan bond issues as part of a general tax-exempt bond limit, for current law already provides a review of need by the United States Department of Education.

3. That the Clerk of the Legislature forward a copy of this resolution to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, each member of the Nebraska congressional delegation, and the U.S. Secretary of Education.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 791 in the Journal. No objections. So ordered.

Amend the Committee amendment to LB 791 as follows:
(a) strike the period in line 4;
(b) after the word "serious" in line 4, add the following new language: "or when the health clinic receives funds under the Urban Health Initiative Program or the Rural Health Initiative Program of the United States Public Health Services."

Mr. Wesely asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

AM1829

1. On page 3, line 20, after the period insert "A city, village, or county which has rules, regulations, or ordinances in effect on the effective date of this act which apply to programs furnished for two or three children from different families may continue to license providers of such programs.".

2. On page 6, line 17, after "act" insert ", except that a city, village, or county which has rules, regulations, or ordinances in effect on the effective date of this act which apply to programs furnished for two or three children from different families may continue to license providers of such programs,".

ATTORNEY GENERAL'S OPINION

Opinion No. 185
January 31, 1984

Dear Senator Newell:

You have asked two questions regarding the constitutionality of LB 814 and LB 922, both scheduled for committee hearings in the near future.

You first ask, if the state assumes operation of the technical community colleges as provided for in the bills, whether revenue bonds presently issued by governing area boards would have to be liquidated to avoid a violation of Article XIII, Section 3 of the Nebraska Constitution, providing in part that the credit of the state shall never be given or loaned in aid of any individual, association or corporation. To some extent, this issue also requires an analysis of Article XIII, Section 1 of the Nebraska Constitution.

Initially, it should be noted that Neb.Rev.Stat. §79-1438.04 (Reissue 1981) provides that revenue bonds issued by the technical community colleges are to be "payable solely out of their revenue." That section further provides that "[b]onds issued . . . shall not be an obligation of the State of Nebraska, and no tax shall ever be levied to raise funds for the payment thereof or interest thereon." This section would appear to clearly provide that the state is not secondarily liable on the bonds, that the revenue bonds involved are satisfied only by the revenue-raising capacity of the secured item, and are not an obligation of the state, nor a giving of the credit of the state to aid an individual, association, or corporation in violation of Article XIII, Section 3 of the Nebraska Constitution. In our opinion LB 814 and LB 922 will not render the state secondarily liable on revenue bonds already issued and outstanding. However, our opinion that the state does not become secondarily liable on revenue bonds already issued and outstanding is confined to our review of the provisions of LB 814 and LB 922, and Neb.Rev.Stat. §79-1438.04 (Reissue 1979). As you know, this office did not act as bond counsel to any area boards who may have issued revenue bonds. Therefore, we have not reviewed the documents surrounding those issuances and can only opine that nothing in LB 814 or LB 922 or Neb.Rev.Stat. §79-1438.04 (Reissue 1979) would render the state secondarily liable on the area board's revenue bonds issued and presently outstanding.

In our view, neither LB 814 nor LB 922 violate Article XIII, Section 3 of the Nebraska Constitution. First, neither LB 814 nor LB 922 obligate the state for the payment of outstanding revenue bonds. Thus, the credit of the State of Nebraska has not been loaned or given in aid of any individual, association, or corporation. Second, to prove a violation of Article XIII, Section 3, one must show that the credit of the state or a governmental subdivision of the state has been given for a private rather than a public use. State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957). Assuming the revenue bonds were raised for the purposes set forth in Neb.Rev.Stat. §79-1438.04 (Reissue 1979), the credit of the area boards was given or lent in aid of a public not a private use. Under those circumstances, there can be no violation of Article XIII, Section 3.

However, if the state became secondarily liable on the revenue bonds by virtue of the provisions contained in the documents attendant the issuance of revenue bonds, to which we are not privy, our analysis does not stop with Article XIII, Section 3. One must then determine whether the provisions of Article XIII, Section 1 of the Nebraska Constitution have been violated. That section prohibits the state from contracting debts in excess of an aggregate of $100,000, with certain exceptions not relevant here. The "special fund doctrine" has evolved as an exception to this constitutional prohibition and generally applies where an indebtedness incurred in the construction of a project is payable solely from revenue arising from the operation of the project. In Nebraska, the special fund doctrine is not applicable to obligations whether primary, secondary, or contingent, payable from sales, excise or income taxes. State ex rel. Douglas v. Thone, 204 Neb. 836, 286 N.W.2d 249 (1979). Thus, if the state became secondarily liable on bonds in excess of $100,000 it is likely that this obligation would be payable from the general revenue of the state. Thus, the special fund doctrine would not aid the state in its argument that Article XIII, Section 1 has not been violated. In our view, that section would be violated if, by virtue of the documents used in issuing any of the area board's revenue bonds, the state is made secondarily liable for payment of the bonds. Confining our opinion to LB 814, LB 922 and Neb.Rev.Stat. §79-1484.04, we see no constitutional problems with respect to Article XIII, Section 1 of the Nebraska Constitution as it relates to revenue bonds already issued and outstanding since the state is not obligated on the bonds.

You next ask whether the funding provisions of LB 922 would violate Article VIII, Section 1A of the Nebraska Constitution, providing a prohibition on the state levying a property tax for state purposes, or the teachings of State ex rel. Western Nebraska Technical Community College Area v. Tallon, 192 Neb. 201, 219 N.W.2d 454 (1975) (Tallon I), and State ex rel. Western Technical Community College Area v. Tallon, 196 Neb. 603, 244 N.W.2d 183 (1976) (Tallon II).

In Tallon I the Supreme Court of Nebraska held that where the state assumes the control and the primary burden of financial support of a state-wide system of technical community colleges, the property tax levy statutorily provided for was for a state purpose within the meaning of the aforementioned constitutional provision. This provision for partial funding of the community college system through a state property tax levy was for a state purpose, and therefore ran afoul with Article VIII, Section 1A, prohibiting property tax levies for state purposes.

In Tallon II the court found that the Legislature had repealed the unconstitutional aspects of the technical community college system statutory scheme and replaced it with a provision which passed constitutional muster. Specifically, the court found that the technical community college areas had become essentially local in character — the area boards exercised control, like a state commission acting as a conduit for federal funds and only in an advisory capacity. As the technical community college system had become local in character, the non-compulsory property tax levy was not a property tax for state purposes in violation of Article VIII, Section 1A.

It can be strongly argued that LB 922 meets the constitutional standards set forth in the foregoing cases. LB 922 provides for state administration of the technical community colleges beginning on July 1, 1988, replacing the area boards now in existence. Under the authority of Tallon II, the area boards may constitutionally levy property taxes. However, in Section 28 of the bill, Neb.Rev.Stat. 79-2651 is to be amended to prohibit the state administrative board from levying property taxes after July 1, 1988, the effective date of state administration. As the area boards appear to remain in control until July 1, 1988, under the act, and at that time the state board is expressly barred from levying a property tax, there has been no violation of the foregoing constitutional provision. With an explicit prohibition against property tax levy by the state board provided in the bill, the requirement of Article VIII, Section 1A is met.

However, it can also be argued that a "state" rather than "local" purpose predominates in LB 922 as evidenced by (1) the statement of legislative intent (LB 922, Section 28(2)), and (2) the Legislature's commitment to appropriate by the 1985-1986 fiscal year more than 50 percent of all technical community colleges' budgets and by the 1986-1987 fiscal year nearly 100 percent of their annual budgets. Although the powers of the area boards remain intact until July 1, 1988, the state will have assumed approximately 91 percent of the financial burden of the technical community college system by the 1986-1987 fiscal year. Tallon II was a plurality decision, the precedental value of which is not as solid as it might be in view of the fact it was a split decision by a court whose members, save one, are not currently members of the Nebraska Supreme Court. We cannot unequivocally predict that the current court would now follow the authority of Tallon II. However, we cannot conclude that LB 922 is clearly unconstitutional as violative of Article VIII, Section 1A of the Nebraska Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Michaela M. White
Assistant Attorney General

MMW:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 186
February 1, 1984

Dear Senator Abboud:

You have submitted to us a proposed constitutional amendment, and have asked our opinion as to its constitutional validity. While the proposed amendment is quite long, we will quote it in full, because we do not feel we understand it well enough to try to summarize it. It reads:

> The governor and the legislators and officials of the State of Nebraska are prohibited from approving legislation or issuing directives which result in general fund expenditures in excess of revenues collected be the state. Those revenues shall include all taxes, fees, franchise fees and other charges made by the authority of the Legislature. The governor and state legislators are prohibited from increasing expenditures by the State of Nebraska in any fiscal year over the amount spent in the prior year when the average income of Nebraska residents increases; the increase in such a fiscal year may increase at a rate of one-half that of the average personal percapita (sic) income except that the maximum increase shall be no more that (sic) 5% in a single fiscal year. The average per capita income data shall be derived from published official reports of the U.S. Department of Commerce or successor agency, and the figure to be used in 1984 shall be the latest published data nearest the convening of the Legislature in 1985 and shall be of the same data in succeeding years. Revenues collected in excess of limits stipulated in this amendment shall be escrowed by the State Treasurer and retained as receipts for the next following fiscal year, and tax rates, fees and other charges shall be adjusted to reflect the escrowed amount as to revenue collection in the year of appropriation. Transfers in spending authority between the state and subdividions of the state shall require equal and concurrent adjustments in levying authority and of the budget or appropriation level, and no transfers are permitted until the required implementing legislation is in effect. The provisions of this amendment may be set aside for a single fiscal year upon the public declaration of a fiscal emergency, a public hearing following public notice and an approving vote of not less that (sic) four-fifths of the membership of the State Legislature. The members of the State Legislature are required to enact legislation and rules of the legislature as the first order of business in the first session of the legislature following voter approval of this amendment. The Attorney General of the state shall initiate action to enforce the provisions of this amendment. This amendment shall become effective July 1, 1985.

Since we are dealing with a proposed constitutional amendment, somewhat different ground rules apply than if we were dealing with a statute. A conflict with another provision of the Nebraska Constitution would not ordinarily be enough to invalidate it, since the amendment, if adopted, would stand on an equal footing with other constitutional provisions.

Nevertheless, a constitutional amendment may be invalid if it conflicts with the United States Constitution, as was established by State ex rel. Douglas v. State Board of Equalization and Assessment, 205 Neb. 130, 286 N.W.2d 729 (1979). It is also possible that the court might invalidate an amendment if it were in irreconcilable conflict with some other constitutional provision which the court regarded as absolutely fundamental to the operation of our system of government, although the court would probably try to base its holding on some federal constitutional provision.

A fundamental requirement of a statute is that it not be vague and uncertain. In State ex rel. Douglas v. Herrington, 206 Neb. 516, 294 N.W.2d 330 (1980), the court said that the established test for vagueness in a statute is whether it either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application.

We realize that the above case, and other Nebraska cases reciting the same rule, were speaking of statutes, not constitutional provisions . However, the United States Supreme Court has found statutes void for vagueness in violation of the federal constitution, presumably the due process clause. See, Whitehall v. Elkins, 389 U.S. 54, 19 L.Ed.2d 228, 88 S.Ct. 184 (1967). We do not believe that court would hold that the states could violate the federal constitution by a provision in a state constitution which would be void if found in a statute.

There are several areas in the amendment that we, at least, don't understand. What does the first sentence mean? Appropriations by the Legislature, not the "legislators," the Governor, or officials of the state, result in expenditures from the general fund. Is it intended to prohibit the Governor from signing an appropriation bill which would increase appropriations beyond the limits prescribed? Does it require him to veto it? What would be the result of his simply doing nothing for five days, as provided by Article IV, Section 15 of the Constitution, thereby allowing it to become law without his signature? If an appropriation is made in excess of the limits imposed, are "officials of the state" prohibited from spending it? None of these questions is answered.

The third sentence prohibits the Governor and "legislators" from increasing expenditures in any fiscal year over the amount spent in the prior year "when the average income of Nebraska residents increases." (Emphasis supplied.) We find no similar provision for years in which the average income of Nebraska residents decreases. Presumably, there is to be no limit on increased expenditures in such a year.

With respect to the provision about transfers in spending authority between the state and its subdivisions, we simply don't understand it. Perhaps it is a defect in our understanding, rather than a defect in the wording of the amendment, but we have no idea what it means.

The amendment also provides that "The members of the State Legislature are required to enact legislation . . . in the first session . . . following voter approval of the amendment." The Attorney General is required to initiate action to enforce the provisions of the amendment. What if the Legislature does not do so? The court would probably hold it was a violation of the doctrine of separation of powers for it to try to mandamus the Legislature, or the individual members thereof, to enact legislation. We believe such a provision to be completely unenforceable.

We believe the amendment would require considerable clarification before it could be successfully defended or enforced.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 976A. By Haberman, 44th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 976, Eighty-eighth Legislature, Second Session, 1984.

MOTION - Withdraw LB 743

Mr. Von Minden moved to withdraw LB 743.

Laid over.

MOTION - Withdraw LB 1043

Mr. Wagner renewed his pending motion found in the Journal on page 671 to withdraw LB 1043.

The motion prevailed with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

MOTION - Withdraw LB 1044

Mr. Wagner renewed his pending motion found in the Journal on page 671 to withdraw LB 1044.

The motion prevailed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Place LR 228 on General File

Mr. V. Johnson renewed his pending motion found in the Journal on page 584 to place LR 228 on General File notwithstanding the actions of the Constitutional Revision and Recreation Committee.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 present and not voting.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Mr. V. Johnson requested a record vote on his motion.

Voting in the affirmative, 17:

Barrett
Chronister
DeCamp
Fenger
Jacobson
Johnson, L.
Johnson, V.
Lamb
Newell
Pappas
Peterson, H.
Peterson, R.
Remmers
Rupp
Scofield
Von Minden
Withem

Voting in the negative, 26:

Abboud
Beutler
Beyer
Carsten
Clark
Eret
Goll
Haberman
Hannibal
Harris
Hefner
Johnson, R.
Kahle
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Nichol
Pirsch
Sieck
Vickers
Wagner
Warner
Wesely

Excused and not voting, 6:

Chambers	Goodrich	Higgins	Hoagland	Morehead
Schmit				

The V. Johnson motion lost with 17 ayes, 26 nays, and 6 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 858. Placed on General File.
LEGISLATIVE BILL 881. Placed on General File.
LEGISLATIVE BILL 890. Placed on General File.
LEGISLATIVE BILL 993. Placed on General File.

(Signed) Tom Vickers, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 694A. By Labedz, 5th District; DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 694, Eighty-eighth Legislature, Second Session, 1984.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 14, 38A, 115, 171, 278, 475, 480, 527, and 775.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 14

The following changes, required to be reported for publication in the Journal, have been made:
ER0155

1. In the Beutler amendment adopted January 17, 1984, on page 1, line 1, "On page 5, line 21" has been struck and "In the E & R amendments, AM 5175, on page 3, line 16" has been inserted.

2. The Von Minden amendment adopted January 31, 1984, has been accomplished by striking "twenty-five" in the Beutler amendment adopted January 17, 1984, on page 1, line 3, and inserting "twenty".

Enrollment and Review Change to LB 527

The following changes, required to be reported for publication in the Journal, have been made:
ER0156

1. In the Warner amendment found beginning on page 579 of the Journal and adopted January 31, 1984, the new section has been numbered as section 3 and in line 12 "the provisions of" has been struck.

2. On page 1, line 1, "schools" has been struck and "funds" inserted and "certain cash" has been inserted after "create"; and the matter beginning with "for" in line 1 through "Deaf" in line 3 has been struck.

3. On page 2, in lines 10 and 20, "the provisions of" has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Withdraw Amendment to LB 9

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0618, found in the Journal on page 424 to LB 9. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 9.

A BILL FOR AN ACT to amend section 79-1254.09, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to contracts of employment; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Fenger	Goll	Haberman	Hannibal
Harris	Hefner	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Withem				

Voting in the negative, 0.

Present and not voting, 3:

Beutler	DeCamp	Eret

Excused and not voting, 5:

Chambers	Goodrich	Higgins	Hoagland	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 394.

A BILL FOR AN ACT relating to county jails; to amend sections 29-2415, 47-102 to 47-104, 47-106, 47-107, 47-111, 47-112, 47-115, 47-306, 47-402, and 47-407, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1703, 23-2801 to 23-2803, 23-2805, 23-2806, 23-2809, 33-117, 47-114, 47-120, and 47-121, Revised Statutes Supplement, 1982; to authorize certain counties to have a county board of corrections; to provide powers and duties; to change certain fees; to harmonize provisions; to eliminate provisions relating to the boarding of certain prisoners; and to repeal the original sections, and also sections 47-118 and 47-119, Revised Statutes Supplement, 1982.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Haberman	Hannibal	Harris	Hefner	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin

Labedz	Lamb	Landis	Lundy	Marsh
McDonald	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 1:

Goll

Excused and not voting, 5:

Chambers	Goodrich	Higgins	Hoagland	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 477. With Emergency.

A BILL FOR AN ACT relating to professional landscape architects; to amend sections 81-8,186, 81-8,187, 81-8,194, 81-8,195, 81-8,197, 81-8,199 to 81-8,202, and 81-8,208, Reissue Revised Statutes of Nebraska, 1943; to reestablish the State Board of Landscape Architects; to provide intent; to change the membership of the board; to change provisions relating to registration of landscape architects as prescribed; to provide for professional development as prescribed; to change provisions relating to fees; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Haberman	Hannibal	Harris	Hefner
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Goodrich	Higgins	Hoagland	Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 477A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 477, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Haberman	Hannibal	Harris	Hefner
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Goodrich	Higgins	Hoagland	Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 478. With Emergency.

A BILL FOR AN ACT relating to land surveying; to amend sections 81-8,110.01, 81-8,115, 81-8,117, and 81-8,123, Reissue Revised

Statutes of Nebraska, 1943; to reestablish the State Board of Examiners for Land Surveyors; to change provisions relating to membership of the board; to eliminate certain requirements as prescribed; to provide powers; to provide for professional development as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Haberman Hannibal Harris
Hefner Jacobson Johnson, L. Johnson, R. Johnson, V.
Kahle Kilgarin Labedz Lamb Landis
Lundy Marsh McDonald Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Excused and not voting, 4:

Goodrich Higgins Hoagland Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 478A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 478, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten

Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Goll	Haberman	Hannibal	Harris
Hefner	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Present and not voting, 1:

Jacobson

Excused and not voting, 3:

Goodrich	Higgins	Hoagland

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 482.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-671, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1736 and 18-1739, Revised Statutes Supplement, 1982; to require the display of permits for handicapped parking; to impose requirements relating to the size and content of such permits; to change provisions relating to the removal of illegally parked vehicles; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Haberman	Hannibal	Harris	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield

Sieck Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 1:

Vickers

Present and not voting, 4:

Beutler Chambers Hefner Jacobson

Excused and not voting, 3:

Goodrich Higgins Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Speaker Nichol moved to suspend the rules, Rule 6, Section 7(b), to permit consideration of LB 733 today.

The motion prevailed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 733. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-331.04, 60-332, and 60-403.07 to 60-403.09, Reissue Revised Statutes of Nebraska, 1943, section 60-403.06, Revised Statutes Supplement, 1982, and sections 60-302 and 60-330, Revised Statutes Supplement, 1983; to change provisions relating to registration forms; to change provisions relating to registration fees for and use of certain vehicles; to change provisions for special permits; to change certain operator's license provisions as prescribed; to eliminate provisions relating to class C licenses; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud Barrett Beyer Carsten Chronister
Clark DeCamp Eret Fenger Goll
Haberman Hannibal Harris Hefner Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 3:

Goodrich Higgins Hoagland

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Members Excused

Messrs. Beyer and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 992. Placed on General File.
LEGISLATIVE BILL 1119. Placed on General File.

LEGISLATIVE BILL 735. Indefinitely postponed.
LEGISLATIVE BILL 1107. Indefinitely postponed.

(Signed) David Newell, Chairperson

Judiciary

LEGISLATIVE BILL 673. Placed on General File.
LEGISLATIVE BILL 690. Placed on General File.

LEGISLATIVE BILL 854. Placed on General File.
LEGISLATIVE BILL 856. Placed on General File.

LEGISLATIVE BILL 848. Placed on General File as amended.
Standing Committee amendment to LB 848:
AM1825

1. On page 2, line 7, after the underscored comma insert "workmen's compensation,"; strike beginning with "to" in line 12 through the semicolon in line 13 and show as stricken; and in line 22 after the fourth underscored comma insert "workmen's compensation,".

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

Amend LB 496 as follows:
On line 22, page 3, strike "Class IV felony" and substitute therefore "Class II misdemeanor".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 9, 394, 477e, 477Ae, 478e, 478Ae, 482, and 733e.

GENERAL FILE

LEGISLATIVE BILL 700. Considered.

Mr. Beutler asked unanimous consent to withdraw his pending amendment found in the Journal on page 687. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM1868

1. On page 2, strike beginning with "Compensation" in line 7 through the period in line 12.
2. On page 3, line 2, after "class" insert ". Compensation rates for positions within balanced classes presumptively are not based upon gender-based factors".
3. On page 4, lines 10 and 11, 17 and 18, and 22, strike ", as described in section 1 of this act,".

4. Strike original section 5 and insert the following new section:

"Sec. 5. The commission shall compile and submit to the Legislature and the Governor a list showing female-dominated classes and male-dominated classes in the state personnel system for which a compensation disparity exists based on comparability of the value of work. The commission shall also submit to the Legislature and the Governor a report outlining alternative implementation plans for comparability adjustments for all positions within the state personnel system.

Implementation options shall include an evaluation and recommendation for the appropriate compensation for all job classifications taking into account comparable worth and legitimate economic supply and demand factors. The commission's report shall include an estimate of the appropriations necessary for providing comparability adjustments under each of the alternative implementation plans outlined in the report. Such alternatives may be implemented over a period of time not to exceed ten years.".

5. On page 6, strike beginning with the period in line 1 through "commission" in line 4 and insert "at which time the commission shall terminate".

MR. KAHLE PRESIDING

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

PRESIDENT MCGINLEY PRESIDING

The Beutler amendment was adopted with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers offered the following amendment:

Amend LB 700 in line 23 of the Beutler amendment after the word "and" insert "may take into consideration"

Mr. Schmit asked unanimous consent to be excused until he returns. No

objections. So ordered.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 10:

Chambers	Eret	Johnson, V.	Kilgarin	Marsh
McDonald	Morehead	Scofield	Vickers	Warner

Voting in the negative, 24:

Barrett	Beutler	Beyer	Carsten	Clark
DeCamp	Fenger	Goll	Hannibal	Harris
Hefner	Jacobson	Johnson, L.	Kahle	Labedz
Lamb	Lundy	Pappas	Peterson, H.	Remmers
Rupp	Sieck	Von Minden	Wesely	

Present and not voting, 9:

Chronister	Johnson, R.	Landis	Newell	Nichol
Peterson, R.	Pirsch	Wagner	Withem	

Excused and not voting, 6:

Abboud	Goodrich	Haberman	Higgins	Hoagland
Schmit				

The Chambers amendment lost with 10 ayes, 24 nays, 9 present and not voting, and 6 excused and not voting.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Advanced to E & R for Review with 25 ayes, 12 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 700A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 12 nays, 6 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 625, 710, 734, 748, and 896.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 152 in the Journal. No objections. So ordered.

1. On page 2, line 20, after the comma insert "or relating to the purchase of replacement parts or services for any generating unit, transformer, or other transmission and distribution equipment,"; in line 22, after "contract" insert a comma; in line 23, strike the comma and show as stricken and insert "and where related to replacement parts or services, that such are available only from the original manufacturer,".

2. On page 3, strike lines 26 and 27.

3. On page 4, strike lines 1 through 5.

Mr. Vickers asked unanimous consent to print the following amendment to LB 942 in the Journal. No objections. So ordered.

AM1871

1. Insert the following new section:

"Section 1. That section 79-402.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-402.06. Petitions presented pursuant to sections 79-402.03 to 79-402.05 shall be subject to the same requirements for content, hearings, notice, review, and appeal as petitions submitted pursuant to section 79-402, except that a petition presented pursuant to section 79-402.03 shall not become effective unless it is approved by a vote of a majority of the members of the state committee for school district reorganization. If such petition is not approved, the final hearing by the county committee for school district reorganization and the county superintendent shall not be held. Any person adversely affected by the disapproval shall have the right of appeal under section 79-402.”.

2. On page 5, line 12, strike “section” and insert “sections 79-402.06 and”; and in line 13 strike “is” and insert “are”.

3. Renumber the remaining sections accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1124 and 1125 and a Governor appointment.

LB	**Committee**
1124	Revenue
1125	Government, Military and Veterans Affairs

Judiciary

Merritt Green - Director, Commission on
Law Enforcement and Criminal Justice

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 913	Monday, February 13, 1984	1:30 p.m.
LB 1063	Monday, February 13, 1984	1:30 p.m.
LB 886	Monday, February 13, 1984	1:30 p.m.
LB 798	Tuesday, February 14, 1984	1:30 p.m.
LB 839	Tuesday, February 14, 1984	1:30 p.m.
LB 840	Tuesday, February 14, 1984	1:30 p.m.
LB 1086	Tuesday, February 14, 1984	1:30 p.m.
LB 877	Tuesday, February 21, 1984	1:30 p.m.
LB 898	Tuesday, February 21, 1984	1:30 p.m.
LB 1002	Tuesday, February 21, 1984	1:30 p.m.
LB 708	Monday, February 27, 1984	1:30 p.m.
LB 778	Monday, February 27, 1984	1:30 p.m.
LB 1047	Monday, February 27, 1984	1:30 p.m.
LB 1103	Tuesday, February 28, 1984	1:30 p.m.

LB 1104	Tuesday, February 28, 1984	1:30 p.m.
LB 823	Tuesday, February 28, 1984	1:30 p.m.

(Signed) George Fenger, Chairperson

Revenue

LB 1124	Wednesday, February 15, 1984	1:30 p.m.

(Signed) Calvin Carsten, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 2, 1984, at 10:56 a.m., were the following bills: 9, 394, 477, 477A, 478, 478A, 482, and 733.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 774 in the Journal. No objections. So ordered.

AM1823

1. Strike the DeCamp amendment found on page 538 of the Journal.

2. On page 2, strike beginning with "the" in line 3 through "are" in line 4 and insert "such institution is qualified and"; and after line 13 insert a new paragraph as follows:

"The state or any political subdivision may upon a reasonable written request to any such depository institution receive from such depository institution a profit and loss statement as of the end of the year for each of the preceding three years. The Director of Banking and Finance shall also approve a minimum capital to asset ratio for all depository institutions prior to the depositing of public funds in such institutions.".

SELECT FILE

LEGISLATIVE BILL 420. E & R amendments, AM5221, found in the Journal on page 618 for the Sixteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 745. E & R amendment, AM5228, found in the Journal on page 618 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 746. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 747. E & R amendments, AM5222, found in the Journal on page 618 for the Sixteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 851. E & R amendment, AM5223, found in the Journal on page 618 for the Sixteenth Day was adopted.

Mr. Barrett renewed his pending amendment, AM1772, found in the Journal on page 595.

The Barrett amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Beyer, Fenger, Barrett, and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 643. E & R amendment, AM5224, found in the Journal on page 619 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 664. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 795. E & R amendments, AM5227, found in the Journal on page 626 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 796. E & R amendments, AM5229, found in the Journal on page 626 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 946. E & R amendment, AM5230, found in the Journal on page 626 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 551. Mr. Beutler renewed his pending motion to indefinitely postpone found in the Journal on page 704.

Messrs. Wesely, Lamb, H. Peterson, and Clark asked unanimous consent to be excused until they return. No objections. So ordered.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wagner requested a record vote on the Beutler motion.

Voting in the affirmative, 20:

Barrett	Beutler	Chambers	Chronister	Goll
Hannibal	Hefner	Jacobson	Johnson, L.	Johnson, R.
Kahle	Lundy	Marsh	Nichol	Peterson, R.
Pirsch	Scofield	Vickers	Von Minden	Warner

Voting in the negative, 8:

Eret	Johnson, V.	Kilgarin	McDonald	Morehead
Remmers	Rupp	Sieck		

Present and not voting, 8:

Carsten	DeCamp	Harris	Labedz	Landis
Newell	Wagner	Withem		

Excused and not voting, 13:

Abboud	Beyer	Clark	Fenger	Goodrich
Haberman	Higgins	Hoagland	Lamb	Pappas
Peterson, H.	Schmit	Wesely		

The Beutler motion to indefinitely postpone prevailed with 20 ayes, 8 nays, 8 present and not voting, and 13 excused and not voting.

MOTION - Withdraw LB 918

Mr. Pappas moved to withdraw LB 918.

Laid over.

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 716. Placed on General File as amended.
Standing Committee amendments to LB 716:
AM1785

1. On page 6, line 18, strike "five hundredths" and insert "one- twentieth"; reinstate the stricken matter in lines 22 and 23; and strike lines 24 through 27.

2. On page 7, line 1, strike the new matter; reinstate the stricken matter beginning with "233" in line 1 through the comma in line 2; and reinstate the stricken matter beginning with "but" in line 6 through the comma in line 7.

3. Strike section 4.

4. On page 8, strike beginning with "Ordinances" in line 17 through the period in line 24, show the old matter as stricken, and insert "Any ordinance, resolution, or regulation, now or hereafter in effect, of the governing body of a municipality, county, or state agency relating to sources of radiation that is inconsistent with sections 71- 3501 to 71- 3919, amendments thereto, or rules and regulations thereunder, is superseded by such sections.".

5. On page 9, line 8, strike "71-3509,".

6. Renumber the remaining sections accordingly.

(Signed) George Fenger, Chairperson

Business and Labor

LEGISLATIVE BILL 995. Placed on General File.

LEGISLATIVE BILL 738. Indefinitely postponed.
LEGISLATIVE BILL 793. Indefinitely postponed.

(Signed) William Barrett, Chairperson

Nebraska Retirement System

LEGISLATIVE BILL 750. Placed on General File.
LEGISLATIVE BILL 752. Placed on General File.

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were Miss Mary Jane Callahan, of Lincoln; Mr. Monty Callahan and Mr. Tom Ryan of Greely; Mrs. Erma Davis and Mrs. Louise Fairbairn of Tekamah; Mr. and Mrs. Willard Dennehl of Bertrand; Ten Senior and Junior High School students from Sidney, they are: Ron Noteboom, Delight Correll, Lisa Cook, Anne Karhunen, Bobby Massie, Carrie Glanz, Trevor Shelor, Kristin Cutright, Rob Calahan and Tara Hoier; Mrs. Evelyn Wragge of Howells; Mrs. Jerris Palmer of Tekamah; Mrs. Mary Jo Connealy of Decatur; Mrs. Joyce Wagner of Craig; and Mr. Scott Ligget of Chadron.

ADJOURNMENT

At 12:20 p.m., on a motion by Speaker Nichol the Legislature adjourned until 9:00 a.m., Friday, February 3, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 3, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 3, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend Marty Burgus, Wakefield Christian Church, Wakefield, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland and Mrs. Higgins who were excused; and Messrs. Abboud, Chambers, Goodrich, Hannibal, R. Johnson, V. Johnson, Lamb, Newell, Rupp, Schmit, Wagner, Mesdames, Labedz, and Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 482.

(Signed) Marge Higgins

RESOLUTION

LEGISLATIVE RESOLUTION 254.

Introduced by Wesely, 26th District.

WHEREAS, knowledge of world events and international affairs promotes peace and prosperity for the people of Nebraska, the United

States and the world; and

WHEREAS, the collegiate and high school students of Nebraska and the midwestern states seek to increase their understanding of international affairs today so that they may make better citizens and leaders; and

WHEREAS, the University of Nebraska-Lincoln University Program Council is conducting its seventeenth annual Nebraska Model United Nations Conference during the week of February 5th through the 11th of 1984, to educate participating students on world problems, the cultures and policies of other nations, and the role and function of the United Nations;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the week of February 5th through the 11th of 1984 shall be and is hereby designated as Nebraska Model United Nations Week.

2. The Nebraska Legislature urges the citizens of Nebraska to become aware of the efforts of these youths in understanding and addressing world problems.

Laid over.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 705. Placed on Select File as amended.
E & R amendments to LB 705:
AM5242

1. Because the Standing Committee amendments, AM 1710, adopted February 1, 1984, reinstated the language on page 2, line 21, strike original section 2 and renumber the remaining section accordingly.

2. On page 1, line 1, strike "sections" and insert "section"; in line 2 strike "and 44-1627"; strike beginning with "provide" in line 3 through "provisions" in line 4 and insert "change provisions relating to an insurance option for certain state employees"; and in line 5 strike "sections" and insert "section".

3. On page 2, line 5, strike the comma and show as stricken.

4. On page 3, line 15, strike "sections" and insert "section" and strike "and"; and in line 16 strike "44-1627" and strike "are" and insert "is".

5. In the Standing Committee amendments, AM 1710, on page 1, line 1, strike "any" and insert "Any".

LEGISLATIVE BILL 736. Placed on Select File as amended.
E & R amendments to LB 736:
AM5243

1. On page 1, line 2, strike ", 45-205,"; strike beginning with the second comma in line 3 through "1982" in line 5; strike beginning with "change" in line 5 through "requirements" in line 6 and insert "prohibit certain uses of revolving charge agreements"; and in line 8 strike "to change a rate;".

2. On page 2, line 3, after "45-208" insert "and section 2 of this act"; and in line 16 strike "means", show as stricken, and insert "shall mean".

3. On page 4, line 4, after "price" insert an underscored comma; in line 8 strike "his", show as stricken, and insert "the"; and in line 10 strike the semicolon and show as stricken.

4. On page 5, line 5, strike ", 45-205,"; and in line 7 strike beginning with "and" through the third comma.

5. Strike Standing Committee amendments 3 and 4.

6. Renumber original section 5 as section 4.

LEGISLATIVE BILL 808. Placed on Select File as amended.
E & R amendments to LB 808:
AM5244

1. On page 1, line 6, after the second comma insert "9-411,"; in line 8 strike "set a date" and insert "change dates" and strike "a computer"; and in line 9 strike "system" and insert "certain systems".

2. On page 7, line 2, insert paragraphing before "The".

3. On page 16, line 26, strike the first comma and strike "the" and insert "an".

4. On page 18, line 26, strike "by him or her" and show as stricken.

5. On page 20, line 5, after "document" insert "and the county where the original document may be found"; and in line 27 after "section" insert an underscored comma.

6. On page 21, line 3, strike "in", show as stricken, and insert "In".

7. In the Standing Committee amendments, AM 1671, adopted February 1, 1984:

a. On page 1, line 11, strike "by him or her";

and in line 14, strike "the comma" and insert " 'farmer' "; and

b. On page 2, line 4, after the second semicolon insert "Secretary of State;".

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 552. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 187
February 2, 1984

Dear Senator Hefner:

You have asked our opinion as to the constitutionality of LB 444, and whether it conflicts with LB 169, enacted by the 1983 Legislature.

LB 444, a bill to adopt the public Education Income Tax Act, would create a new income tax, the proceeds of which would be used for education. Section 5 of the bill provides that the rate of tax would be set by the State Board of Education pursuant to standards and procedures specified in that section. Your constitutional question is whether this is a proper delegation of legislative authority to raise taxes to the State Board of Education.

An almost identical question was answered in Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967), in which a contention was made that there was an unconstitutional delegation of legislative power to the State Board of Equalization and Assessment in the original Sales and Income Tax Act, in that that board was given the power to set tax rates. The court pointed out that the act explicitly set out the computations to be made by the state board, and that, with such standards, the delegation of such power was valid and lawful, and did not violate the state or federal constitution. The fixing of the tax rate pursuant to Section 5 of LB 444 involves a simple computation using specified figures, and would not be an unconstitutional delegation under the principles of Anderson v. Tiemann.

You also point out that by the enactment of LB 169 in 1983 the Legislature took the authority to set income tax rates from the State Board of Equalization and Assessment, and assumed that authority itself. You ask whether there is a conflict. We conclude that there is not.

LB 169 amended §77-2715.01, which now provides that commencing in 1984 the Legislature shall annually set the rate of income tax imposed by §77-2715 for the taxable year beginning in the subsequent calendar year. Since the tax to be imposed by LB 444 would not be imposed by §77-2715, there is no conflict whatever.

You call our attention to the fact that Section 2(6) of LB 444 defines the public education income tax rate as the rate set by the State Department of Education pursuant to Section 5 of the act, while Section 5 provides that the rate shall be established by the State Board of Education. There is obviously a conflict which should be resolved. Article VII, Sections 2 and 3 of the Constitution creates the State Department and the State Board of Education. They are not the same entity, since the State Department of Education is comprised of the State Board of Education and a Commissioner of Education.

We also call your attention to the fact that Section 7 provides that no school district shall receive any state aid, except from the public education income tax, unless the school district has a property tax levy which is at least as high as the average school property tax levy established pursuant to Section 6 of the act. However, Section 6 of the act contains no reference whatever to an average school property tax levy. This creates an area of ambiguity and uncertainty which should be resolved.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Robert W. Mullin - Judge, Commission of Industrial Relations

Voting aye: Senators Barrett, Eret, Goll, Labedz, McDonald, R. Peterson, and Wesely. Against: None. Absent: None.

(Signed) William Barrett, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 971	Friday, February 10, 1984	12:00 noon
LB 1094	Friday, February 10, 1984	12:00 noon
LB 1019	Tuesday, February 14, 1984	12:00 noon
LB 1118	Tuesday, February 14, 1984	12:00 noon

(Signed) Don Wesely, Chairperson

MESSAGES FROM THE GOVERNOR

January 27, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Oil and Gas Conservation Commission, requiring legislative confirmation:

Appointee: G. Peter Burger, 300 Norris Street, McCook, NE 69001 (308) 345-1600, 12/19/84 - 9/28/87, succeeds: Terrence D. Malcom

This appointment is respectfully submitted for your consideration.

January 27, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Educational Lands and Funds, requiring legislative confirmation:

Appointee: David A. Domina, 110 South 12th Street, Norfolk, NE

68701 (402) 371-4300, Term: 1/27/84 to 10/1/1988, Succeeds: is reappointment.

This appointment is respectfully submitted for your consideration.

January 27, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative confirmation:

Appointee: Carla Knapp, Route 2, Box 26, Chadron, NE 69337, (308) 432-2745, Term: 11/21/83 - 6/22/87, Succeeds: Sandy Scofield.

This appointment is respectfully submitted for your consideration.

February 2, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 733 was received in my office on February 2, 1984.

This bill was signed by me on February 2, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

MOTION - Withdraw LB 743

Mr. Von Minden renewed his pending motion to withdraw LB 743 found in the Journal on page 714.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

The motion prevailed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

MOTION - Withdraw LB 918

Mr. Pappas renewed his pending motion to withdraw LB 918 found in the Journal on page 732.

The motion prevailed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 79.

A BILL FOR AN ACT relating to sexual assault; to amend sections 27-404, 28-318, and 28-321, Reissue Revised Statutes of Nebraska, 1943; to define the crime of sexual assault of a child; to provide a penalty; to restrict the use of certain evidence; to define and redefine terms; to eliminate certain provisions relating to evidence of past sexual conduct; and to repeal the original sections, and also sections 28-322 and 28-323, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Fenger	Goll	Haberman
Hannibal	Hefner	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Vickers	Von Minden
Warner	Wesely	Withem		

Voting in the negative, 2:

Chambers Wagner

Present and not voting, 2:

Eret Harris

Excused and not voting, 7:

DeCamp Goodrich Higgins Hoagland Johnson, V.
Morehead Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 183 to Select File

Mr. Chambers moved to return LB 183 to Select File for the following specific amendment:
Strike enacting clause.

Mr. Chambers requested a record vote on his motion.

Voting in the affirmative, 13:

Chambers Clark Eret Hannibal Harris
Johnson, V. Landis Remmers Schmit Scofield
Sieck Wesely Withem

Voting in the negative, 30:

Abboud Barrett Beutler Beyer Carsten
Chronister Fenger Goll Haberman Hefner
Jacobson Johnson, L. Johnson, R. Kahle Kilgarin
Labedz Lamb Lundy McDonald Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Rupp Vickers Von Minden Wagner Warner

Present and not voting, 1:

Marsh

Excused and not voting, 5:

DeCamp Goodrich Higgins Hoagland Morehead

The Chambers motion to return to Select File lost with 13 ayes, 30 nays, 1 present and not voting, and 5 excused and not voting.

Mr. Schmit moved to return LB 183 to Select File for the following specific amendment:

Strike the new language and reinstate the old language.

Mr. Schmit requested a roll call vote.

Voting in the affirmative, 22:

Chambers
Clark
Eret
Hannibal
Harris
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
McDonald
Morehead
Newell
Pappas
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Wesely
Withem

Voting in the negative, 23:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
Fenger
Goll
Haberman
Hefner
Jacobson
Johnson, L.
Johnson, R.
Kahle
Lamb
Lundy
Nichol
Peterson, H.
Peterson, R.
Pirsch
Von Minden
Wagner
Warner

Excused and not voting, 4:

DeCamp
Goodrich
Higgins
Hoagland

The Schmit motion lost with 22 ayes, 23 nays, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 183.

A BILL FOR AN ACT to amend section 29-2203, Revised Statutes Supplement, 1982, relating to criminal procedure; to change provisions relating to the burden of proof in certain cases; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Schmit requested a roll call vote.

Voting in the affirmative, 27:

Abboud Barrett Beutler Beyer Carsten
Chronister Fenger Goll Haberman Hefner
Jacobson Johnson, L. Johnson, R. Kahle Labedz
Lamb Lundy McDonald Nichol Pappas
Peterson, H. Peterson, R. Pirsch Vickers Von Minden
Wagner Warner

Voting in the negative, 18:

Chambers Clark Eret Hannibal Harris
Johnson, V. Kilgarin Landis Marsh Morehead
Newell Remmers Rupp Schmit Scofield
Sieck Wesely Withem

Excused and not voting, 4:

DeCamp Goodrich Higgins Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 276.

A BILL FOR AN ACT relating to domestic relations; to amend sections 42-351 and 42-924, Reissue Revised Statutes of Nebraska, 1943, and section 42-357, Revised Statutes Supplement, 1983; to change a provision relating to the district court's jurisdiction as prescribed; to change provisions relating to restraining orders; to provide penalties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Beyer Carsten
Chronister Clark Eret Fenger Goll
Haberman Hannibal Harris Hefner Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas

Peterson, H. Peterson, R. Pirsch Remmers Rupp
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers Schmit

Excused and not voting, 4:

DeCamp Goodrich Higgins Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 590.

A BILL FOR AN ACT relating to vehicular pursuits; to amend sections 23-2420 and 81-8,235, Reissue Revised Statutes of Nebraska, 1943, and section 25-21,183, Revised Statutes Supplement, 1982; to change conditions of liability; to define terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark Eret Fenger
Goll Haberman Hannibal Harris Hefner
Jacobson Johnson, L. Johnson, R. Johnson, V. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Excused and not voting, 4:

DeCamp Goodrich Higgins Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 623 to Select File

Miss Kilgarin moved to return LB 623 to Select File for the following specific amendment:
AM1773

1. Insert a new section as follows:

"Sec. 14. That section 75-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-101. The members of the Public Service Commission shall (1) be resident citizens of this state, (2) be qualified voters under the Constitution and laws thereof, and (3) be, if members of or practitioners in any profession, in good standing according to the established standards of such profession. ~~, and (4) be not less than thirty years of age nor more than sixty- eight years of age at the time of taking office.~~ No person shall be eligible to the office of Public Service Commissioner who is directly or indirectly interested in any common carrier in the state or out of it or who is in any way or manner pecuniarily interested in any common carrier subject to the provisions of this chapter. If any such commissioner shall become so interested, after his or her election or appointment, his or her office shall become vacant; and if any commissioner shall become so interested, otherwise than voluntarily, he or she shall, within a reasonable time, divest himself or herself of such interest, and, failing to do so, his or her office shall become vacant.

No commissioner shall hold any other office under the government of the United States, ~~or~~ of this state, or of any other state, ~~government,~~ and ~~he~~ shall not, while such commissioner, engage in any other occupation.".

2. On page 31, line 13, strike "and"; and in line 14 after the first comma insert "and 75-101,".

The motion to return prevailed with 25 ayes, 16 nays, 4 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 623. The Kilgarin specific amendment found in this day's Journal was considered.

Mr. Haberman requested a ruling of the Chair on whether the Kilgarin amendment is germane to the bill.

The Chair ruled the Kilgarin amendment germane to the bill.

The Kilgarin specific amendment was adopted with 25 ayes, 15 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Voting in the affirmative, 28:

Barrett
Beutler
Beyer
Chambers
Chronister
Clark
Eret
Fenger
Goll
Hannibal
Jacobson
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Marsh
McDonald
Morehead
Nichol
Pirsch
Rupp
Schmit
Sieck
Vickers
Warner
Wesely
Withem

Voting in the negative, 6:

Abboud
Carsten
Haberman
Johnson, L.
Peterson, H.
Remmers

Present and not voting, 11:

Harris
Hefner
Johnson, R.
Lamb
Lundy
Newell
Pappas
Peterson, R.
Scofield
Von Minden
Wagner

Excused and not voting, 4:

DeCamp
Goodrich
Higgins
Hoagland

Advanced to E & R for Re-Engrossment with 28 ayes, 6 nays, 11 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 633.

A BILL FOR AN ACT relating to law; to provide for the construction of certain statutes; and to provide powers for the Revisor of Statutes relating to the printing of certain statutes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark Eret Fenger
Goll Haberman Hannibal Harris Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Hefner

Excused and not voting, 4:

DeCamp Goodrich Higgins Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 634.

A BILL FOR AN ACT relating to schools; to amend section 79-12,105, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to certain teachers' contracts as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark Eret Fenger
Goll Haberman Hannibal Harris Hefner
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely

Voting in the negative, 0.

Present and not voting, 2:

Jacobson Withem

Excused and not voting, 4:

DeCamp Goodrich Higgins Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 635.

A BILL FOR AN ACT relating to public transportation; to amend section 19-3907, Reissue Revised Statutes of Nebraska, 1943; to provide a duty for the Director on Aging; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark Eret Fenger
Goll Haberman Hannibal Harris Hefner
Jacobson Johnson, L. Johnson, R. Johnson, V. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Excused and not voting, 4:

DeCamp	Goodrich	Higgins	Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 636.

A BILL FOR AN ACT relating to motor vehicles; to eliminate a statute which is obsolete; and to repeal section 60-406.07, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Eret	Fenger
Goll	Haberman	Hannibal	Harris	Hefner
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Excused and not voting, 4:

DeCamp	Goodrich	Higgins	Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 637.

A BILL FOR AN ACT relating to the Legislature; to eliminate obsolete statutes which provided certain duties for the Legislative Fiscal Analyst; and to repeal sections 50-430 to 50-436, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Eret	Fenger
Goll	Haberman	Hannibal	Harris	Hefner
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Excused and not voting, 4:

DeCamp	Goodrich	Higgins	Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 638.

A BILL FOR AN ACT relating to infants; to eliminate an obsolete statute which governed a transfer of funds to the Nebraska Center for Children and Youth; and to repeal section 43-911, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Eret	Fenger
Goll	Haberman	Hannibal	Harris	Hefner
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers

Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Excused and not voting, 4:

DeCamp Goodrich Higgins Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 639.

A BILL FOR AN ACT relating to criminal procedure; to eliminate an obsolete statute which governed probation officers salaries; and to repeal section 29-2255.02, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark Eret Fenger
Goll Haberman Hannibal Harris Hefner
Jacobson Johnson, L. Johnson, R. Johnson, V. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Excused and not voting, 4:

DeCamp Goodrich Higgins Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 640.

A BILL FOR AN ACT relating to judicial districts; to eliminate certain statutes which are obsolete; and to repeal sections 5-105.01 and

5-105.03 to 5-105.05, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Eret	Fenger
Goll	Haberman	Hannibal	Harris	Hefner
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Excused and not voting, 4:

DeCamp	Goodrich	Higgins	Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 641.

A BILL FOR AN ACT relating to the State Board of Agriculture; to eliminate revenue bond statutes which are obsolete; and to repeal sections 2-111 to 2-114, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Eret	Fenger
Goll	Haberman	Hannibal	Harris	Hefner
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers

Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Excused and not voting, 4:

DeCamp Goodrich Higgins Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Newell moved to suspend the rules, Rule 5, Sec. 11, to withdraw LB 921.

The motion prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

MOTION - Withdraw LB 921

Mr. Newell moved to withdraw LB 921.

The motion prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

Confirmation Hearings:

Governor Appointment Monday, February 6, 1984 1:30 p.m.
Bob Krohn, Advisory Committee to Department of Economic Development

Governor Appointment Tuesday, February 7, 1984 1:30 p.m.
Roger Beverage, Director Department of Banking & Finance

Governor Appointment Tuesday, February 7, 1984 1:30 p.m.
Maxine Moul, Advisory Committee to Department of Economic Development

Governor Appointment Tuesday, February 7, 1984 1:30 p.m.
Tom Emerton, Advisory Committee to Department of Economic Development

Governor Appointment Tuesday, February 7, 1984 1:30 p.m.
James Stuart, Jr., Advisory Committee to Department of Economic Development

Governor Appointment Tuesday, February 7, 1984 1:30 p.m.
Lynn Roper, Advisory Committee To Department of Economic Development

Governor Appointment Tuesday, February 7, 1984 1:30 p.m.
Burnham Yates, Nebraska Investment Council

(Signed) John DeCamp, Chairperson

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 910. Placed on General File as amended.
Standing Committee amendment to LB 910:
AM1876

1. On page 2, line 4, strike "seven" and insert "five" and strike "five"; in line 5 strike "hundred"; in line 13 after "trustees" insert "pursuant to section 31- 735"; in line 18 strike "seven thousand"; and in line 19 strike "hundred" and insert "thousand".

(Signed) David Newell, Chairperson

Judiciary

LEGISLATIVE BILL 846. Placed on General File as amended.
Standing Committee amendments to LB 846:
AM1854

1. On page 2, line 3, strike "knowingly"; in line 5 after "any" insert "other" and strike "who", show as stricken, and insert ", knowing such person"; in line 7 strike "knowingly intermarries or engages" and insert "shall intermarry or engage"; in line 8 after "with" insert "any other person, knowing such person to be"; in line 14 strike "II" and insert "III"; and in line 20 strike "III" and insert "IV".
2. Renumber original section 3 as section 2.

LEGISLATIVE BILL 847. Placed on General File as amended.
Standing Committee amendment to LB 847:
AM1855

1. On page 11, line 2, strike "decree", show

2 as stricken, and insert "order of adjudication".

(Signed) Chris Beutler, Chairperson

NOTICE OF COMMITTEE HEARINGS

Public Works

LB 743 Wednesday, February 15, 1984 (Cancel) 1:30 P.M.

(Signed) Loran Schmit, Chairperson

Miscellaneous Subjects

Governor Appointment Thursday, February 9, 1984 1:30 p.m.
John P. Miller—Nebraska Liquor Control Commission

LB 713 Friday, February 10, 1984 (Cancel) 1:30 p.m.

(Signed) Elroy Hefner, Chairperson

Agriculture and Environment

Governor Appointments Friday, February 10, 1984 1:30 p.m.
(Rescheduled)
Bill Miller
Steve Thomas
Jim George

(Signed) Rex Haberman, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 2, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Dobler, James B.- Lincoln, Farmers Mutual Insurance Company of Nebraska
Gordon, James E. - Lincoln, DeHart & Darr Associates formerly DeHart Associates Inc.
Knapp, Patricia Ann - Lincoln, Nebraska Coalition for Women

Knudsen, Berkheimer, Richardson & Endacott:
  Ruth, Larry L. - Lincoln, Commerce Group, Inc.
Meyers, Victor G. - Omaha, Nebraska State AFL-CIO
Moylan, James H. - Omaha, Nebraska Shorthand Reporters Association
Raschke, Ann - Lincoln, Nebraska Colition for Women
Rasmussen, Dennis - Lincoln, Western Retail Implement & Hardware Association
Tews & Radcliffe:
  Radcliffe, Walter H. - Lincoln, Johnson Brothers Wholesale Liquor Company; Nebraskans For Fair Beverage Laws formerly Nebraskans for Fair Business Taxation
Tews, David D. - Lincoln, Reeker, Irma
Willford, Alexander G. - Kearney, Kearney State College, Student Senate

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

AM1832

1. On page 3, line 13, after the second underscored comma insert “an elementary school approved pursuant to section 79- 328 or a prekindergarten program conducted by such school,”.

2. On page 4, line 25, after the underscored period insert “Such standards shall not require the use of any specific instructional materials or affect the contents of any course of instruction which may be offered by a program.”.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 480 in the Journal. No objections. So ordered.

AM1849
(Amendments to the Standing Committee Amendments)

1. Insert a new section as follows:

“Sec. 2. That section 81-885.25, Revised Statutes Supplement, 1983, be amended to read as follows:

81-885.25. (1) Before the commission shall censure a licensee or before revoking or suspending a license, it shall, unless the licensee waives his or her right to a hearing and has entered into a consent decree, give the holder of the license a hearing on the matter and shall, at least twenty days prior to the date set for the hearing, notify the license holder in writing. Such notice shall contain an exact statement of the charges against him or her and the date and place of hearing.

(2) The license holder shall have full authority to be heard in person or by counsel before the commission in reference to such charges. Such notice may be served by delivering it personally to the license holder or by sending it by either registered or certified mail to the last-known business address of such license holder. If the license holder is an associate broker or a salesperson, the commission shall also notify the broker employing the license holder by mailing a copy of such notice to the broker's last-known business address.

(3) The license holder may request a description of the facts which are alleged as the basis for the censure, revocation, or suspension. The commission shall provide such description within ten days after receipt of the request.".

2. On page 2, line 1, strike "is" and insert "and section 81-885.25, Revised Statutes Supplement, 1983, are".

3. Renumber remaining sections accordingly.

Mr. Fenger asked unanimous consent to print the following amendment to LB 723 in the Journal. No objections. So ordered.

AM1859

1. On page 2, line 1, strike "or acceptance of"; in line 2 after "benefits" insert "under sections 68-1018 to 68-1025"; in line 3 strike "certain rights" and insert "the rights specified in this section"; in line 4 after "Services" insert ", effective from the date of eligibility for such benefits"; in line 9 after "medical" insert "care"; in line 12 after "to" insert "pursue or receive"; in line 16 after "group" insert "which otherwise would be covered by medical assistance benefits"; in line 20 after "department" insert ", when prior notification of the assignment has bee made to the liable third party"; in line 22 strike beginning with "medical" through "for" and insert "reimbursement for medical care or services provided to"; in line 25 strike ", unless cooperation is" and insert ''. Ineligibility shall continue for so long as such person refuses to

cooperate. Cooperation may be"; and in line 26 after "department" insert "upon a determination of the reasonable likelihood of physical or emotional harm to the applicant, recipient, or other member of the assistance group if he or she were to cooperate".

2. On page 3, line 8, strike "any future rights to benefits" and insert "the rights".

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 645. Placed on General File as amended.
Standing Committee amendments to LB 645:
AM1770

1. On page 2, line 21, after "degree" insert ", certificate, or diploma"; in line 18 strike "and"; in line 21 strike the underscored period and insert "; and"; after line 21 insert the following new subdivision:

"(3) Instructional technology shall mean the organization and use of programs and devices to store, retrieve, process, display, receive, or transmit by any means, information for the purpose of carrying out educational objectives."; and in line 27 strike "Chancellor", show as stricken, and insert "President".

2. On page 4, line 3, strike "Chancellor", show as stricken, and insert "President"; and in line 5 strike "vice-chancellor", show as stricken, and insert "Executive Vice President and Provost".

3. On page 9, line 14, after the period insert "Any money in the State Educational Television Fund on the effective date of this act shall be transferred to the State Educational Telecommunications Fund on such date.".

4. On page 12, line 1, strike "television", show as stricken, and insert "telecommunications"; in line 4 strike "telecommunications" and insert "instructional technology"; in line 5 strike "programs" and show as stricken, strike the first underscored comma, reinstate the stricken "and", and strike ", and"; in line 6 strike "postsecondary"; in line 8 strike the new matter and reinstate the stricken matter; in line 9 strike the new matter; in line 13 strike "telecommunications" and insert "technology"; in line 17 strike the underscored comma; and in line 18 strike the new matter and reinstate the stricken matter.

5. On page 13, line 23, strike the new matter and reinstate the stricken matter; and in line 24 strike “and postsecondary”.

6. On page 14, line 11, strike the new matter and reinstate the stricken matter; in line 15 strike the first underscored comma, reinstate the stricken “and”, and strike “, and”; and in line 16 strike “postsecondary”.

LEGISLATIVE BILL 668. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 700. Placed on Select File as amended.
E & R amendments to LB 700:
AM5245

1. In lieu of the Newell amendment to the Beutler amendment AM1833 adopted January 31, 1984, in the Beutler amendment, on page 1, line 7, strike “and”; and in line 8 strike “Three” and insert “One member appointed from the membership of the Nebraska Commission on the Status of Women; and

(4) Two”.

2. In the Beutler amendment, AM1868, adopted February 2, 1984, on page 2, line 9, after the first quotation marks insert a comma.

3. On page 4, line 14, strike “is” and insert “shall be”.

4. On page 5, line 2, strike the comma; and in line 8 strike the second comma.

LEGISLATIVE BILL 700A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 420, 643, 745, 746, 747, and 851.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 420

The following changes, required to be reported for publication in the

Journal, have been made:
ER0157
1. On page 2, line 22, the comma has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 921 Friday, February 10, 1984 (Cancel) 1:30 p.m.

(Signed) Dave Landis, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 79, 183, 276, 590, 633, 634, 635, 636, 637, 638, 639, 640, and 641.

GENERAL FILE

LEGISLATIVE RESOLUTION 227. Read. Considered.

Mr. Chambers offered the following amendment:
Page 1, line 11, strike second "or" insert "and"

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers amendment was adopted with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Messrs. Barrett, R. Johnson, Beyer, Harris, and Lamb asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 703. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

APPROPRIATIONS COMMITTEE ANNOUNCEMENT

Mr. Warner announced members of the Appropriations Committee will be available beginning at 5:00 p.m., Monday, February 6 and Tuesday, February 7, Room 2102 to answer questions regarding the Committee's Appropriation resolution submitted February 3 and the accompanying preliminary budget report.

All senators are welcome and encouraged to attend.

RESOLUTION

LEGISLATIVE RESOLUTION 255.

Introduced by the Appropriations Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Kahle, 37th District; Kilgarin, 7th District; Marsh, 29th District; Morehead, 30th District; H. Peterson, 35th District; Wagner, 41st District.

WHEREAS, the Nebraska Legislature has established an appropriation process under Rule 8 of the Rules of the Nebraska Unicameral;

WHEREAS, the Legislature's appropriation process calls for the Appropriations Committee to issue a preliminary budget report and recommend a total General Fund appropriation for each year of the following biennium;

WHEREAS, the state agencies have requested approximately $890.2 million in new General Fund appropriations for 1984-85 and approximately $895.8 million in new General Fund appropriations for 1985-86.

WHEREAS, the Appropriations Committee has completed an extensive review of state programs;

WHEREAS, the Appropriations Committee has issued the report required by Section 2 of Rule 8;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature recommends a maximum General Fund appropriation of $829.7 million for 1984-85 and $878.2 million for 1985-86.

Laid over.

STANDING COMMITTEE REPORTS
Special Commonwealth Committee

LEGISLATIVE BILL 899. Placed on General File as amended.
Standing Committee amendments to LB 899:
AM1862

1. On page 2, line 5, after "its" insert "shares," and strike "or certificates of indebtedness" and insert ", or deposits"; strike beginning with "and" in line 7 through "or" in line 8 and insert an underscored comma; in line 9 after "insurance" insert ", or (c) provide the notice and advertisement specified in subsection (2) of this section. Any building and loan association organized after the effective date of this act shall prior to commencing its operations comply with this subsection"; after line 9 insert the following new subsection:

"(2) A building and loan association may commence operation or continue to operate if it provides notice to depositors and holders of shares, savings certificates, or other similar instruments that such deposits or instruments are not insured. Such notice shall be given (a) by October 1, 1984, to all depositors and holders of such instruments created before October 1, 1984, (b) on the date any such deposit, share, savings certificate, or similar instrument is created for deposits made and instruments created on or after October 1, 1984, and (c) annually thereafter as follows: AS PROVIDED BY THE LAWS OF THE STATE OF NEBRASKA YOU ARE HEREBY NOTIFIED THAT YOUR DEPOSIT, SHARES, SAVINGS CERTIFICATE, OR OTHER SIMILAR INSTRUMENT IS NOT INSURED. Any advertising conducted by such institution shall in each case state: THE DEPOSITS, SHARES, SAVINGS CERTIFICATES, OR SIMILAR INSTRUMENTS OF THIS INSTITUTION ARE NOT INSURED. The institution shall also display such notice in one or more prominent places in all facilities in which the institution operates. All such notices and statements shall be given in large or contrasting type in such a manner that such notices shall be conspicuous. Each willful failure to give the notice prescribed in this subsection shall constitute a Class II misdemeanor. All officers and directors of any such institution shall be jointly and severally responsible for the issuance of the notices described in this subsection in the form and manner described."; in line 10 strike "(2)" and insert "(3)"; after line 16 insert the following new subsection:

"(4) A building and loan association shall file proof of compliance with subsection (1) of this section with the Department of Banking and Finance."; in line 25 strike "or " and insert an underscored comma; in line 27 after "insurance" insert ", or (c) provide the notice and advertisement specified in subsection (3) of this section".

2. On page 3, line 7, after "Corporation" insert "or upon commencing its operations provide the notice and advertisement specified in subsection (3) of this section"; after line 15 insert the following new subsection:

"(3) An industrial loan and investment company may commence operation or continue to operate if it provides notice to depositors, holders of savings certificates, certificates of indebtedness, or other similar instruments that such deposits or instruments are not insured. Such notice shall be given (a) by October 1, 1984, to all depositors and holders of such instruments created before October 1, 1984, (b) on the date any such deposit, savings certificate, certificate of indebtedness, or similar instrument is created for deposits made and instruments created on or after October 1, 1984, and (c) annually thereafter as follows: AS PROVIDED BY THE LAWS OF THE STATE OF NEBRASKA YOU ARE HEREBY NOTIFIED THAT YOUR DEPOSIT, SAVINGS CERTIFICATE, CERTIFICATE OF INDEBTEDNESS, OR OTHER SIMILAR INSTRUMENT IS NOT INSURED. Any advertising conducted by such institution shall in each case state: THE DEPOSITS, SAVINGS CERTIFICATES, CERTIFICATES OF INDEBTEDNESS, OR SIMILAR INSTRUMENTS OF THIS INSTITUTION ARE NOT INSURED. The institution shall also display such notice in one or more prominent places in all facilities in which the institution operates. All such notices and statements shall be given in large or contrasting type in such a manner that such notices shall be conspicuous. Each willful failure to give the notice prescribed in this subsection shall constitute a Class II misdemeanor. All officers and directors of any such institution shall be jointly and severally responsible for the issuance of the notices described in this subsection in the form and manner described."; in line 16 strike "(3)" and insert "(4)"; in line 19 strike "(4)" and insert "(5)"; and in line 27 strike beginning with "Except" through "in" and show as stricken.

3. On page 4, line 1, strike beginning with "subsection" through "any", show the old matter as stricken, and insert "Any"; in line 3 after the second comma insert "(a)" and in line 24 after "corporation" insert "or (b) provide the notice and advertisement specified in subsection (3) of this section".

4. On page 5, line 6, after "Finance" insert "or provide the notice and advertisement specified in subsection (3) of this section"; after line 26 insert the following new subsections:

"(3) A banking institution may commence operation or continue to operate if it provides notice to depositors, holders of savings certificates, certificates of indebtedness, or other similar instruments that such deposits or instruments are not insured. Such notice shall be given (a) by October 1, 1984, to all depositors and holders of such instruments created before October 1, 1984, (b) on the date any such deposit, savings certificate, certificate of indebtedness, or similar instrument is created for deposits made and instruments created on or after October 1, 1984, and (c) annually thereafter as follows: AS PROVIDED BY THE LAWS OF THE STATE OF NEBRASKA YOU ARE HEREBY NOTIFIED THAT YOUR DEPOSIT, SAVINGS CERTIFICATE, CERTIFICATE OF INDEBTEDNESS, OR OTHER SIMILAR INSTRUMENT IS NOT INSURED. Any advertising conducted by such institution shall in each case state: THE DEPOSITS, SAVINGS CERTIFICATES, CERTIFICATES OF INDEBTEDNESS, OR SIMILAR INSTRUMENTS OF THIS INSTITUTION ARE NOT INSURED. The institution shall also display such notice in one or more prominent places in all facilities in which the institution operates. All such notices and statements shall be given in large or contrasting type in such a manner that such notices shall be conspicuous. Each willful failure to give the notice prescribed in this subsection shall constitute a Class II misdemeanor. All officers and directors of any such institution shall be jointly and severally responsible for the issuance of the notices described in this subsection in the form and manner described.

(4) A banking institution shall file proof of compliance with subsection (1) or (2) of this section with the Department of Banking and Finance."; and in line 27 strike "(3)" and insert "(5)".

5. On page 7, line 4, strike "or"; in line 5 after "insurance" insert ", or (e) provide the notice and advertisement specified in subsection (2) of this section. Any cooperative credit association organized after the effective date of this act shall prior to commencing its operations comply with this subsection"; after line 13 insert the following new subsection:

"(2) A corporative credit association may commence operation or continue to operate if it provides notice to depositors, holders of savings certificates, certificates of indebtedness, or other similar instruments that such deposits or instruments are not insured. Such notice shall be given (a) by April 1, 1985, to all depositors and holders of such instruments created before April 1, 1985, (b) on the date any such deposit, savings certificate, certificate of indebtedness, or similar instrument is created for deposits made and instruments created on or after April 1, 1985, and (c) annually thereafter as follows: AS PROVIDED BY THE LAWS OF THE STATE OF NEBRASKA YOU ARE HEREBY NOTIFIED THAT YOUR DEPOSIT, SAVINGS CERTIFICATE, CERTIFICATE OF INDEBTEDNESS, OR OTHER SIMILAR INSTRUMENT IS NOT INSURED. Any advertising conducted by such institution shall in each case state: THE DEPOSITS, SAVINGS CERTIFICATES, CERTIFICATES OF INDEBTEDNESS, OR SIMILAR INSTRUMENTS OF THIS INSTITUTION ARE NOT INSURED. The institution shall also display such notice in one or more prominent places in all facilities in which the institution operates. All such notices and statements shall be given in large or contrasting type in such a manner that such notices shall be conspicuous. Each willful failure to give the notice prescribed in this subsection shall constitute a Class II misdemeanor. All officers and directors of any such institution shall be jointly and severally responsible for the issuance of the notices described in this subsection in the form and manner described."; in line 14 strike "(2)" and insert "(3)"; and in line 17 strike "(3)" and insert "(4)".

6. On page 8, line 4, strike "or" and show as stricken; in line 5 after "insurance" insert ", or (c) provide the notice and advertisement specified in subsection (3) of this section"; in line 13 after the final period insert "or upon commencing its operations provide the notice and advertisement specified in subsection (3) of this section."; after line 15 insert the following new subsection:

"(3) A credit union may commence operation or continue to operate if it provides notice to depositors, holders of savings certificates, certificates of indebtedness, or other similar instruments that such deposits or instruments are not insured. Such notice shall be given (a) by October 1, 1984, to all depositors and holders of such instruments created before October 1, 1984, (b) on the date any such deposit, savings certificate, certificate of indebtedness, or similar instrument is created for deposits made and instruments created on or after October 1, 1984, and (c) annually thereafter as follows: AS PROVIDED BY THE LAWS OF THE STATE OF NEBRASKA YOU ARE HEREBY NOTIFIED THAT YOUR DEPOSIT, SAVINGS CERTIFICATE, CERTIFICATE OF INDEBTEDNESS, OR OTHER SIMILAR INSTRUMENT IS NOT INSURED. Any advertising conducted by such institution shall in each case state: THE DEPOSITS, SAVINGS CERTIFICATES, CERTIFICATES OF INDEBTEDNESS, OR SIMILAR INSTRUMENTS OF THIS INSTITUTION ARE NOT INSURED. The institution shall also display such notice in one or more prominent places in all facilities in which the institution operates. All such notices and statements shall be given in large or contrasting type in such a manner that such notices shall be conspicuous. Each willful failure to give the notice prescribed in this subsection shall constitute a Class II misdemeanor. All officers and directors of any such institution shall be jointly and severally responsible for the issuance of the notices described in this subsection in the form and manner described."; in line 16 strike "(3)" and insert "(4)"; and in line 19 strike "(4)" and insert "(5)".

LEGISLATIVE BILL 1039. Placed on General File as amended.
Standing Committee amendments to LB 1039:
AM1880

1. Insert the following new sections:

"Sec. 5. Any person who violates any of the provisions of a final order issued by the Director of Banking and Finance shall be liable to any person or entity who suffers damage proximately caused by such violation. Any person who knowingly violates any final order issued by the Director of Banking and Finance as provided in this section shall be guilty of a Class IV felony.

Sec. 6. An officer, director, agent, or employee of a bank, trust company, building and loan association, industrial loan and investment company, cooperative credit union, credit union, or other similar entity which is licensed, regulated, or examined by the Department of Banking and Finance who willfully misapplies any of the money, funds, or credits of any such entity or any money, funds, assets, or securities entrusted to the care or custody of such entity or the custody or care of any such officer, director, agent, or employee shall be guilty of a Class IV felony.”.

2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 669. Indefinitely postponed.
LEGISLATIVE BILL 939. Indefinitely postponed.
LEGISLATIVE BILL 940. Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. V. Johnson and Landis asked unanimous consent to print the following amendment to LB 681 in the Journal. No objections. So ordered.

Page 2, line 8 strike “twenty-three” and insert “twenty-one”.

UNANIMOUS CONSENT - Add Co-Introducers

Miss Kilgarin asked unanimous consent to have her name added as co-introducer to LB 694. No objections. So ordered.

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 1125. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mr. Bill Umberger of Elwood; Lt. Col. Bruce Mundie of Omaha; 10 Senior Center Citizens, and Ms. Melinda

Lickiss from Willard Senior Center, Lincoln.

ADJOURNMENT

At 11:51 a.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Monday, February 6, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 6, 1984

LEGISLATIVE JOURNAL

TWENTY-FIRST DAY - FEBRUARY 6, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 6, 1984

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend Ronald Holling, Our Saviour Lutheran Church, Norfolk, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; Messrs. Abboud, Beyer, DeCamp, Eret, Haberman, Hoagland, R. Johnson, V. Johnson, McDonald, Newell, Rupp, Schmit, Warner, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 664, 795, 796, and 946.

(Signed) Rod Johnson, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 711A. By Nichol, 48th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 711, Eighty-eighth Legislature, Second Session, 1984.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 3, 1984, at 11:56 a.m., were the following bills: 79, 183, 276, 590, 633, 634, 635, 636, 637, 638, 639, 640, and 641.

(Signed) Jan Loder, Enrolling Clerk

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 79, 183, 276, and 590.

(Signed) Marge Higgins

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 1076. Placed on General File.

LEGISLATIVE BILL 693. Placed on General File as amended.
Standing Committee amendment to LB 693:
AM1873

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Business Trust Act.

Sec. 2. The purposes of the Business Trust Act are to:

(1) Specifically provide for the creation of business trusts which shall be an entity separate and distinct from other forms of commercial organizations in Nebraska, including partnerships, corporations, associations, syndicates, and other types of trusts;

(2) Promote greater flexibility and adaptability in commercial enterprises within the State of Nebraska; and

(3) Regulate business trusts which now exist in the State of Nebraska, and which may be hereafter created.

Sec. 3. As used in the Business Trust Act, unless the context otherwise requires:

(1) Business trust shall mean an

unincorporated business association of the type which at common law was known as a common law trust, business trust, or Massachusetts trust, created by a trust instrument known as a declaration of trust under which property is held, managed, administered, controlled, invested, reinvested, and operated by trustees for the benefit and profit of such persons as are or may become the holders of transferable certificates evidencing beneficial interests in the trust estate;

(2) Domestic business trust shall mean a business trust created under the laws of this state; and

(3) Foreign business trust shall mean a business trust created under the laws of a foreign country or of a territory or state other than Nebraska.

Sec. 4. Two or more persons, whether residents of this state or not, may organize and associate themselves together for the purpose of transacting business in this state under a business trust, except that no such business trust shall transact any business of insurance or banking in this state.

Sec. 5. Every business trust organized under the Business Trust Act for the purpose of transacting business in this state shall, prior to transacting any business in this state, file in the office of the Secretary of State a true and correct copy of the declaration of trust under which the trust proposes to conduct its business, which copy shall be sworn to, as being a true and correct copy, by the trustees named in such declaration to trust. The declaration of trust may provide that the duration of such trust shall be perpetual.

The following information shall be included in the declaration of trust or amendments thereto: (1) The name and address of each trustee; (2) the street address and mailing address of the registered office of the trust in this state; (3) the name of the registered agent of the trust at the registered office of the trust in this state; and (4) the street address and mailing address of the principal business office of the trust in this state.

Sec. 6. Upon the filing of the copy of the declaration of trust as required in section 5 of this act, and the payment of the prescribed filing fee to the Secretary of State, the Secretary of State shall issue to the trustees named in the declaration of trust a certificate showing that the declaration of trust has been duly filed in the Secretary of State's office. The business trust shall then be authorized to transact business in this state, if all other applicable laws have been complied with.

Sec. 7. The declaration of trust may be amended as provided in the declaration of trust or in any amendments thereto. All such amendments to the declaration of trust shall be filed in the office of the Secretary of State, and upon the filing of the amendments and the payment of the prescribed filing fee to the Secretary of State, each such amendment shall become effective.

Sec. 8. When the copy of the declaration of trust required by section 5 of this act and any amendments thereto shall have been filed in the office of the Secretary of State, such filing or filings shall constitute public notice of the information included and the purposes and manner of the business to be conducted by such trust.

Sec. 9. Before any person may offer for sale, barter, or sell any unit, share, contract, note, bond, mortgage, oil or mineral lease, or other security of a business trust doing business under a declaration of trust in this state, such person shall register such securities as required by the laws of Nebraska relating to the registration of securities, as they may be amended from time to time by the Legislature, if such registration would be required for a corporation under the circumstances of such offering. Registration shall be applied for and granted under the same conditions as like registrations are applied for and granted to corporations.

Sec. 10. Each domestic business trust described in the Business Trust Act shall file an annual report with the Secretary of State setting forth such information as to the trustees and beneficial interests of such trust as the Secretary of State shall require and shall pay the prescribed fee for such filing.

Sec. 11. Every business trust shall have the power to sue and be sued in its business name.

Sec. 12. A business trust may be served by personal, residence, or certified mail service on any trustee or registered agent, by leaving the process at the registered office of the business trust with a person employed by the trust, or by certified mail service to the registered office of the business trust.

Sec. 13. The liability of trustees of any business trust shall be limited to the same extent as the liability of officers of corporations and the liability of holders of beneficial interests of business trusts shall be limited to the same extent as the liability of shareholders of business corporations.

Sec. 14. A business trust may provide in its declaration of trust or amendments thereto for the indemnification of its trustees and employees to the same extent as authorized by subdivision (15) of section 21-2004 for the indemnification of officers and employees of business corporations or as such provision may be amended from time to time by the Legislature.

Sec. 15. The Business Trust Act shall apply to all business trusts of the type described in the Business Trust Act now existing or hereafter created. All business trusts existing on the effective date of this act which elect to continue to do business as a business trust shall register under the Business Trust Act by filing in the office of the Secretary of State a declaration of trust and paying the filing fee prescribed.

Sec. 16. No person may transact or conduct any business, within this state, under any business trust without first complying with the Business Trust Act.

Sec. 17. A business trust violating the Business Trust Act shall be dissolved and the trustees and the holders of beneficial interest thereafter shall no longer have their liability limited in the manner provided for in the Business Trust Act.

Sec. 18. The business trust shall pay fees pursuant to the Business Trust Act to the Secretary of State, as follows: (1) For filing the declaration of trust, twenty-five dollars; (2) for filing amendments to the declaration of trust, fifteen dollars; (3) for a certificate of declaration of trust, five dollars; and (4) for the annual report, ten dollars.".

LEGISLATIVE BILL 801. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1874.)

LEGISLATIVE BILL 1049. Indefinitely postponed.

(Signed) John DeCamp, Chairperson

Public Health & Welfare

LEGISLATIVE BILL 900. Placed on General File as amended.
Standing Committee amendment to LB 900:
AM1884

1. Insert the following new section:
"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

RESOLUTION

LEGISLATIVE RESOLUTION 254. Read. Considered.

LR 254 was adopted with 27 ayes, 0 nays, and 22 not voting.

MOTION - Approve Appointments

Mr. Barrett moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 739: Robert W. Mullin - Judge, Commission of Industrial Relations.

Voting in the affirmative, 31:

Barrett	Carsten	Chronister	Clark	DeCamp
Fenger	Goll	Goodrich	Hannibal	Harris
Higgins	Jacobson	Johnson, L.	Kilgarin	Labedz
Landis	Lundy	Marsh	McDonald	Morehead
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Scofield	Sieck	Vickers	Wagner
Wesely				

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Chambers	Eret	Hefner	Kahle
Lamb	Von Minden			

Excused and not voting, 11:

Abboud	Beyer	Haberman	Hoagland	Johnson, R.
Johnson, V.	Newell	Pirsch	Schmit	Warner

Withem

The appointment was confirmed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 255. Title read. Considered.

Mr. Goodrich offered the following amendment:
On page 2, in line 3, strike "1983" and insert "1984"; strike "1984" and insert "1985".

The amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 31 ayes, 5 nays, 10 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 828. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 760. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 895. No objections. So ordered.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 739. Placed on General File as amended.
Standing Committee amendments to LB 739:
AM1875

1. Strike original section 3 and insert the following new section:

"Sec. 3. That section 48-1117, Revised Statutes Supplement, 1982, be amended to read as follows:

48-1117. The commission shall have the following powers and duties:

(1) To receive, investigate, and pass upon charges of unlawful employment practices anywhere in the state;

(2) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and, in connection therewith, to require the production for examination of any books and papers relevant to any allegation of unlawful employment practice pending before the commission. The commission may make rules as to the issuance of subpoenas, subject to the approval by a constitutional majority of the elected members of the Legislature;

(3) To cooperate with the federal government and with local agencies to effectuate the purposes of sections 48-1101 to 48-1125, including the sharing of information possessed by the commission on a case that has also been filed with the federal government or local agencies if both the employer and complainant have been notified of the filing;

(4) To attempt to eliminate unfair employment practices by means of conference, conciliation, and persuasion;

(5) To require that every employer, employment agency, and labor organization subject to sections 48-1101 to 48-1125~~,~~ shall (a) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (b) preserve such records for such periods, and (c) make such reports therefrom, as the commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of sections 48-1101 to 48-1125 or the regulations or orders thereunder. The commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to sections 48-1101 to 48-1125 which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of sections 48-1101 to 48-1125, including but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and to furnish to the commission, upon request, a detailed description of the manner in which persons are selected

to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may either apply to the commission for an exemption from the application of such regulation or order, or bring a civil action in the district court for the district where such records are kept. If the commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the commission or the court, as the case may be, may grant appropriate relief; ~~and~~

(6) To report, not less than once each two years, to the Clerk of the Legislature and the Governor, on the hearings it has conducted and the decisions it has rendered, the other work performed by it to carry out the purposes of sections 48-1101 to 48-1125, and to make recommendations for such further legislation concerning abuses and discrimination because of race, color, religion, sex, disability, marital status, or national origin, as may be desirable; and

(7) To adopt and promulgate rules and regulations necessary to carry out the duties prescribed in sections 48- 1101 to 48- 1125.

Each member of the Legislature shall receive a copy of the report required by subdivision (6) of this section by making a request for it to the chairperson of the commission.".

2. On page 9, line 18, strike "sections" and insert "section", after "48-1111" insert a comma, and strike "and"; in line 19 strike "48-1119," and after "1943," insert "section 48-1117, Revised Statutes Supplement, 1982,".

(Signed) William Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Sieck and Remmers asked unanimous consent to print the following amendment to LB 444 in the Journal. No objections. So ordered.

AM1858

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Public Education Income Tax Act.

Sec. 2. For all taxable years beginning on or after January 1, 1985, in addition to the tax imposed by sections 77-2714 to 77-27,135, a public education income tax is hereby imposed for each taxable year on the income of individuals, trusts, estates, and corporations. The tax shall be a flat percentage of:

(1) For each resident individual, the taxpayer's federal adjusted gross income for the taxable year;

(2) For each nonresident individual, the taxpayer's federal adjusted gross income for the taxable year which is attributable to income derived from sources within this state;

(3) For each resident trust or estate, the taxpayer's federal taxable income for the taxable year;

(4) For each nonresident trust or estate, the taxpayer's federal taxable income for the taxable year which is attributable to income derived from sources within this state; and

(5) For each corporation, the taxpayer's federal taxable income for the taxable year which is attributable to income derived from sources within this state.

There shall be subtracted from the amounts specified in subdivisions (1) through (5) of this act all income exempt from taxation by state government due to federal law.

For any taxpayer whose taxable year does not coincide with the calendar year, the rate initially set shall also apply for the period from January 1, 1985, to the last day of the taxpayer's then current taxable year. In each subsequent tax year such taxpayer shall pay the tax at the rate in effect on the first day of such tax year.

Sec. 3. The Department of Revenue shall have the responsibility for the collection and enforcement of the tax levied by section 2 of this act. The pertinent provisions of sections 77-2714 to 77-27,135 shall apply to the Public Education Income Tax Act, except as modified or when otherwise inconsistent with the act, regarding the determination of income subject to tax, the definitions of terms, the filing of returns, the withholding and payment of estimated tax, the collection and enforcement of the tax, and other matters arising out of the provisions of the act. The tax shall be made a part of, or shall be incorporated into, the state income tax return.

Sec. 4. (1) The public education income tax rate shall be a statewide uniform rate for all taxpayers subject to the public education income tax. The tax rate shall be determined by the State Board of Education on or before December 1 of each year for the taxable year beginning in the subsequent calendar year. The rate shall be determined by dividing one half of the total state adjusted school district expenses by the total federal adjusted gross income of resident individuals, using such figures from the most recent year both figures are available. The board shall then immediately notify the Department of Revenue of the public education income tax rate for the subsequent taxable year.

(2) For purposes of this section and section 7 of this act, total state adjusted school district expenses shall mean the total cost of financing operations of all school districts in this state as defined by the State Board of Education, minus (a) federal funds used to pay for such costs and (b) state funds used to pay for such costs other than funds from the public education income tax and the Public Education Finance Fund.

Sec. 5. The Department of Revenue shall collect the public education income tax concurrently with collection of the state income tax in the same manner as the state income tax is collected. The Department of Revenue shall remit monthly the proceeds of the public education income tax from resident individuals to the school district in which the taxpayer is a resident, after deducting amounts for necessary refunds. In the case of Class I and Class VI school districts with overlapping boundaries, each district shall receive a prorated amount of public education income tax receipts attributable to residents of both districts which amount shall be determined by the State Board of Education.

Sec. 6. The Public Education Finance Fund is hereby created. The fund shall consist of the proceeds of the public education income tax from trusts, estates, corporations, nonresident individuals, resident individuals for which a school district of residency cannot be determined, and such additional sums as are appropriated by the Legislature. The money in such fund, after deducting amounts for necessary refunds, shall be distributed to school districts pursuant to section 7 of this act.

Sec. 7. (1) No school district shall receive funds from the Public Education Finance Fund unless the school district's property tax rate equals or exceeds the state average school district property tax rate. If a school district's property tax rate equals or exceeds the state average school district property tax rate, then the school district may receive from the Public Education Finance Fund the amount by which the statewide average per pupil costs, or the school district's average per pupil costs, whichever is determined by the Department of Education to be less, multiplied by the school district's enrollment, as identified in the fall school district enrollment report, exceeds the total amount of funds received by the school district from the public education income tax on resident individuals plus a property tax levy equal to the state average school district property tax levy.

(2) The Department of Education shall on or before September 1 of each year determine the state average school district property tax rate by dividing the total state adjusted school district expenses for the preceding school year by the total actual value of property subject to property tax in this state for the preceding calendar year.

Sec. 8. The amount of funds to be received from the Public Education Finance Fund by each school district qualifying under section 7 of this act shall be distributed to such school districts in two equal payments each fiscal year beginning in September 1985 and February 1986 and each September and February thereafter.

Sec. 9. Section 10 of this act shall become operative on July 1, 1985.

Sec. 10. That sections 79-1330 to 79-1332 and 79-1333.02 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, sections 79-1332.01 and 79-1333.01, Revised Statutes Supplement, 1982, and section 79-1333, Revised Statutes Supplement, 1983, are repealed.".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 692 in the Journal. No objections. So ordered.

AM1892

1. On page 8, strike beginning with the underscored period in line 25 through line 26.

2. On page 9, strike the new matter in lines 1 through 4.

3. Strike section 8.

4. On page 13, line 8, after the second comma insert "and on January 1 of each succeeding year"; strike beginning with "an" in line 10 through "1984" in line 16 and insert "a level which is sufficient to pay all anticipated claims for the next year and to maintain an adequate reserve for future claims. Prior to making such an adjustment, the director shall conduct a public hearing concerning the proposed adjustment and shall give due regard to the size of the existing fund, the number and size of potential claims against the fund, the number of participating providers, changes in the cost of living, and sound actuarial principles".

5. On page 20, line 1, after the period insert "If the claimant waives the panel review, the claimant shall serve a copy of the petition or complaint upon the director personally or by registered or certified mail at the time the action is filed in court.".

6. Insert new sections as follows:

"Sec. 8. That section 44-2828, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2828. Except as provided in section 25-213, any ~~Any~~ action to recover damages based on alleged malpractice or professional negligence or upon alleged breach of warranty in rendering or failing to render professional services shall be commenced within two years next after the alleged act or omission in rendering or failing to render professional services providing the basis for such action, except that if the cause of action is not discovered and could not be reasonably discovered within such two-year period, the action may be commenced within one year from the date of such discovery or from the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier. In no event may any action be commenced to recover damages for malpractice or professional negligence or breach of warranty in rendering or failing to render professional services more than six years after the date of rendering or failing to render such professional service which provides the basis for the cause of action.

Sec. 14. That section 44-2837, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2837. (1) The purpose of sections 44-2837 to 44-2839 is to make malpractice liability insurance available to risks as defined in this section.

(2) There is hereby created the Residual Malpractice Insurance Authority. The Department of Insurance is hereby designated as the authority for the purposes of sections 44-2801 to 44-2855. The authority shall be empowered to engage in writing medical malpractice liability insurance in this state pursuant to existing law and authorized to insure the health care provider against other liability for injury to persons or property caused by agents, employees, or partners of the health care provider, or by property used in or activities arising from the operations or business of the health care provider. Such insurance coverage against other liability may be provided to the health care provider by the authority only as supplemental professional liability insurance.

(3) The director ~~shall~~ may appoint a risk manager for the authority. The separate, personal, or independent assets of the risk manager shall not be liable for or subject to use or expenditure for the purpose of providing insurance by the authority.

(4) In the administration and provision for malpractice liability insurance by the authority, the risk manager shall:

(a) Be subject to all laws and regulations of this state which apply to malpractice insurance as provided in existing law;

(b) Prepare and file appropriate forms with the Department of Insurance;

(c) Prepare and file premium rates with the Department of Insurance which shall be based on accepted actuarial principles and accepted practices in the insurance industry;

(d) Perform the underwriting function;

(e) Dispose of all claims and litigation arising out of insurance policies;

(f) Maintain adequate books and records;

(g) File an annual financial statement regarding its operations under sections 44-2801 to 44-2855 with the Department of Insurance on forms prescribed by the director;

h) Obtain private reinsurance for the authority, if available, and the cost thereof shall be paid from the Excess Liability Fund;

(i) Prepare and file a plan of operations with the director for approval; and

(j) Act fairly, reasonably, and responsibly in administering the plan.

(5) The risk manager shall receive as compensation for his or her services a percentage of all premiums received under the terms of this section which shall be computed on a fair and equitable basis as determined by the director. The compensation may be adjusted by the director from time to time.".

7. On page 24, line 7, strike "to 44-2826" and insert ", 44-2825, 44-2828,"; in line 8 after the second comma insert "44-2837,"; and in lines 11 and 12 underscore "sections 5 and 6" and strike "section 17" and insert "section 18".

8. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 405. Title read. Considered.

Standing Committee amendment, AM0761, found in the Journal on page 1026 for the Forty-Seventh Day, Frist Session, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 466. Title read. Considered.

Standing Committee amendment, AM0181, found in the Journal on page 428 for the Twenty-Second Day, First Session, were considered.

Mrs. Labedz renewed her pending amendment, AM0445, found in the Journal on page 670, First Session.

The Labedz amendment to the Standing Committee amendment was adopted with 20 ayes, 0 nays, 26 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mrs. Labedz asked unanimous consent to withdraw her pending amendment, AM0512, found in the Journal on page 706, First Session. No objections. So ordered.

Mr. Beutler renewed his pending amendment, AM0523, found in the Journal on page 715, First Session.

The Beutler amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw his pendng amendment, AM0507, found in the Journal on page 725, First Session. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 751, First Session. No objections. So ordered.

Mr. Vickers offered the following amendment:
AM1900

1. On page 2, line 2, after "nongame" insert "species except coyotes", and after "threatened" insert "species"; and in line 8 strike "check- off" and insert "checkoff".

The Vickers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 3 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 466A. Title read. Considered.

Mrs. Labedz moved to indefinitely postpone LB 466A.

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

The motion prevailed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 152. Title read. Considered.

Standing Committee amendments, AM0893, found in the Journal on page 1152 for the Fifty-Second Day, First Session, were considered.

Mr. Fenger renewed his pending amendment, AM1721, found in the Journal on page 539 to the Standing Committee amendments.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Fenger amendment to the Standing Committee amendments was adopted with 19 ayes, 6 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Schmit offered the following amendment to the Fenger amendment to the Standing Committee amendments:

Starting on line 13, strike all language after the word "supplier," through the word "review" on line 14.

Messrs. DeCamp, Hefner, and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

The Schmit amendment was adopted with 22 ayes, 0 nays, 22 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 227CA. Placed on Select File as amended.
E & R amendments to LR 227CA:
AM5246

Because of line number differences between the resolution as introduced and the green copy, all amendments are to the green copy.

1. In lieu of the Chambers amendment adopted February 3, 1984, on page 1, line 11, strike "or", show as stricken, and insert "and".

2. On page 2, strike beginning with "for" in

line 19 through "of" in line 20 and insert "to rehabilitate, acquire, or redevelop"; and in line 20 strike "or" and insert "and".

LEGISLATIVE BILL 703. Placed on Select File.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendments to LB 275 in the Journal. No objections. So ordered.

AM1866

1. On page 2, lines 1 and 13, strike "this act" and insert "the Building Construction Act"; in line 4 strike "in" and insert "within"; and in line 24 after the second comma insert "Chapters 1, 4 through 54, and 60,".

2. On page 3, line 2, after the comma insert "Parts I, II, III, and VIII,"; in line 8 strike "this act" and insert "the Building Construction Act"; and in line 10 strike beginning with "subdivisions" through "(2)" and insert "subsection (1)".

3. On page 4, line 25, strike "1984" and insert "1985".

4. Strike original sections 4 to 6 and 8 to 10 and insert the following new sections:

"Sec. 4. The state building code shall be the preferred building and construction standard within the state and shall be applicable:

(1) To all buildings and structures owned by the state or any state agency; and

(2) In each political subdivision which elects to adopt the state building code.

Sec. 5. All state agencies shall comply generally with the state building code. No state agency may adopt, promulgate, or enforce any rule or regulation in conflict with the state building code, unless otherwise specifically authorized by statute to adopt or enforce a building or construction code other than the state building code. A state agency may amend the state building code by adopting any supplement, new edition, or appendix of the Uniform Building Code or the One and Two Family Dwelling Code referred to in section 3 of this act. Amendments to the state building code may also include variations from the code which will reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within the state.

Sec. 6. Pursuant to the provisions of section 81-1108.15 and the Building Construction Act, the state building division of the Department of Administrative Services shall adopt and promulgate rules and regulations to implement and enforce the state building code for all state buildings under the jurisdiction of the division.

Sec. 7. After July 1, 1985, no political subdivision shall enact any ordinance, rule, or regulation which adopts a building or construction code other than the state building code. Any political subdivision may:

(1) Elect to adopt the state building code pursuant to the Building Construction Act;

(2) Elect not to administer any building or construction code;

(3) Continue to administer and enforce a building or construction code other than the state building code until such date as the subdivision has completed all local procedures necessary for the adoption of the state building code subject to the Building Construction Act; or

(4) Adopt only the One and Two Family Dwelling Code referred to in section 3 of the Building Construction Act as the local building code.

A political subdivision which has adopted, prior to July 1, 1985, and edition of a model building code published after January 1, 1980, by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, or the Council of American Building Officials shall be exempt from the Building Construction Act as long as such political subdivision continues to administer, enforce, and regularly update such code. For the purposes of this section, a code shall be deemed to be updated if the most recent edition of the code is adopted by the political subdivision within two years after the publication date of the edition.

Sec. 8. A political subdivision may enact or enforce any ordinance, rule, or regulation amending the state building code, if the amendment:

(1) Conforms generally with the state building code;

(2) Adopts a special or differing building standard to reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within its jurisdiction; or

(3) Adopts any supplement, new edition, or appendix of the Uniform Building Code or the One and Two Family Dwelling Code referred to in section 3 of this act.

Political subdivisions may adopt and promulgate amendments for the proper administration and enforcement of the state building code, including organization of enforcement, qualifications of staff members, examination of plans, inspections, appeals, permits, and fees. Any amendment adopted pursuant to this section shall be published separately from the state building code.

Sec. 10. Nothing in the Building Construction Act shall be construed to authorize any state agency or political subdivision to regulate the construction of farm buildings where such regulation is otherwise prohibited by law.

Sec. 11. Sections 1 through 10 of this act shall be known and may be cited as the Building Construction Act.

Sec. 12. This act shall become operative on July 1, 1985.".

5. Renumber the remaining sections accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LR 18 in the Journal. No objections. So ordered.

AM1895
(Amendment to the Standing Committee amendments, AM1680)

1. On page 1, line 9, before "Sec." insert "Article XIII,"; strike beginning with "The" in line 9 through the period in line 23, show the old matter as stricken, and insert:

"(1) Public funds, property, or credit shall be used only for public purposes.

(2) The state, units of local government, and school districts shall incur obligations for payment or make payments from public funds only by law or

ordinance.

(3) Reports and records of the obligation and the receipt and use of public funds of the state, units of local government, and school districts are public records available for inspection by the public according to law.'."; and strike beginning with "remove" in line 24 through "provisions" in line 26 and insert "allow the giving or loaning of the credit of the state for public purposes".

SELECT FILE

LEGISLATIVE BILL 481. E & R amendments, AM5210, printed separate from the Journal and referred to on page 534 were adopted.

Mr. Fenger renewed his pending amendment, AM1811, found in the Journal on page 639.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The Fenger amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Warner offered the following amendment:
(AMENDMENT TO THE STANDING COMMITTEE AMENDMENT)

On page 1, in line 11, after "surgery" insert "and shall not include the practice of psychotherapy to treat organic diseases or major psychiatric diseases, except when practiced in association with and at the direction of a licensed physician".

The Warner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Fenger renewed his pending amendment, AM1750, found in the Journal on page 639.

Mr. Fenger offered the following amendment to the pending Fenger amendment, AM1750:

Delete the word "A" and insert the following "An unlicensed" before the word "school" on page 2, line 5.

The Fenger amendment to the Fenger amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Fenger amendment, AM1750, was adopted, as amended, with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Warner offered the following amendment:
To amend LB 481 to add the "E clause".

The Warner amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 681. E & R amendment, AM5226, found in the Journal on page 625 for the Seventeenth Day was adopted.

Messrs. V. Johnson and Landis renewed their pending amendment found in the Journal on page 768.

SPEAKER NICHOL PRESIDING

The V. Johnson - Landis amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mrs. Higgins offered the following amendment:
1. Re-insert all stricken language on page 2, lines 3 and 4.
2. On page 2, lines 11 through 24, ending with the stricken ".", re-insert all stricken language.

Mrs. Higgins moved for a Call of the House. The motion prevailed with 8 ayes, 2 nays, and 39 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 14:

Chambers
Kilgarin
Pirsch
Eret
Labedz
Schmit
Goodrich
McDonald
Sieck
Haberman
Morehead
Wesely
Higgins
Nichol

Voting in the negative, 24:

Beyer
Hoagland
Kahle
Newell
Vickers
Carsten
Jacobson
Lamb
Pappas
Von Minden
Clark
Johnson, L.
Landis
Peterson, H.
Wagner
Fenger
Johnson, R.
Lundy
Peterson, R.
Warner
Hannibal
Johnson, V.
Marsh
Remmers

Present and not voting, 9:

Barrett Beutler Chronister DeCamp Goll
Harris Hefner Rupp Scofield

Excused and not voting, 2:

Abboud Withem

The Higgins amendment lost with 14 ayes, 24 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 783. Placed on General File as amended.
Standing Committee amendment to LB 783:
AM1882

1. On page 3, line 6, after "county" insert "or city"; reinstate the stricken matter in lines 14 through 18; and in line 18 strike "(4)".

(Signed) George Fenger, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 909. Placed on General File.

(Signed) David Landis, Chairperson

SELECT FILE

LEGISLATIVE BILL 686. E & R amendments, AM5233, found in the Journal on page 627 for the Seventeenth Day were adopted.

Mr. Vickers renewed his pending amendment found in the Journal on page 575.

The Vickers amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Wagner offered the following amendment:
1. On page 3, line 21, after "duties" strike the period and insert ", including mileage at the rate provided in section 84-306.03 for state

employees."

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wagner amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 835. E & R amendments, AM5235, found in the Journal on page 627 for the Seventeenth Day were adopted.

Mr. Carsten offered the following amendment:
AM1897

1. On page 1, line 4, strike "and" and after the third comma insert "and 77-1735,".

2. On page 2, line 3, after "1943" insert "; and to declare an emergency".

3. Insert the following new sections:

"Sec. 15. That section 77-1735, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1735. If a person~~,~~ who claims a tax~~,~~ or any part thereof~~,~~ to be invalid for any reason~~,~~ other than the valuation of the property shall have paid the same to the treasurer~~,~~ or other proper authority~~,~~ in all respects as though the same was legal and valid, he or she may, at any time within ~~two years~~ thirty days after such payment, demand the same in writing from the county treasurer to whom paid. If the same shall not be refunded within ninety days thereafter, he or she may sue such county treasurer for the amount so demanded. Upon the trial, if it shall be determined that such tax~~,~~ or any part thereof~~,~~ was for any reason invalid, judgment shall be rendered therefor with interest and such judgment shall be collected as in other cases. If ~~; Provided, that if~~ the tax~~,~~ so claimed to be invalid~~,~~ was collected for two or more public corporations or subdivisions of the state as a consolidated tax~~,~~ by a single tax collecting officer~~,~~ and if suit be brought to recover the tax paid~~,~~ or a part thereof, the plaintiff in such action may join as defendants in a single suit as many of the public corporations or subdivisions as he or she seeks recovery from by stating in ~~his~~ the petition ~~his~~ a claim against each as a separate cause of action.

Sec. 16. Sections 15 to 17 of this act shall become operative on the effective date of this act and the remaining sections of this act shall become operative three calendar months after the adjournment of this legislative session.

Sec. 17. That original section 77-1735, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 19. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. In the E & R amendments on page 1, line 7, after the second semicolon insert "to change refund procedures as prescribed; to provide operative dates;".

5. Renumber original section 15 as section 18.

The Carsten amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 670. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 976. E & R amendments, AM5234, found in the Journal on page 628 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 977. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 947. E & R amendment, AM5236, found in the Journal on page 628 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 837. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 507A. Mr. Beutler offered the following amendment:

On page 2, in line 17, strike "394" and insert "392".

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

The Beutler amendment was adopted with 26 ayes, 0 nays, 20 present

and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 663. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 911. E & R amendment, AM5241, found in the Journal on page 670 for the Eighteenth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 318 in the Journal. No objections. So ordered.

1. On page 2, line 15, after "use" insert "no more than four"; and in line 17 after the period insert "Each administrative troop area as established and in existence on the effective date of this act may use only one unmarked vehicle for such purpose at any given time.".

Mr. Chambers asked unanimous consent to print the following amendment to LB 935 in the Journal. No objections. So ordered.

AM1844

1. Strike the original sections and insert new section as follows:

"Section 1. As used in this act, unless the context otherwise requires:

(1) Department shall mean the Department of Revenue;

(2) Sporting event shall mean any contest in any sport, between individual contestants or teams of contestants, without regard to the amateur or professional status of the contestants therein, the occurrence of which is publicly announced before its occurrence; and

(3) Sports pool operator or operator shall mean any person holding a current license under section 2 of this act who accepts wagers on sporting events by any system or method of wagering other than the system of parimutuel wagering taxed under section 2-1208.01. Sports pool operator shall not include any person accepting wagers totaling less than one hundred dollars per year.

Sec. 2. Any person who accepts wagers on sporting events totaling more than one hundred dollars in any calendar year shall apply to the department for a sports pool operator's license. Such application shall be in the form prescribed by the department and shall be accompanied by a fee of five hundred dollars. The department shall issue the license to the applicant if the department finds that the applicant is:

(1) A resident of the state; and

(2) At least twenty-five years of age.

Sec. 3. There is hereby imposed a tax of three per cent on the gross sum wagered with sports pool operators in this state. Each sports pool operator shall be liable for the tax on all wagers placed with him or her. Such taxes shall be due on the final day of the month and each operator shall, on or before the tenth day of each month, remit the taxes due on all amounts wagered during the preceding calendar month. Any operator who fails to remit such tax by the twentieth day of the month shall pay a late payment penalty equal to twenty per cent of the amount due. Any operator failing to pay the amount due within thirty days after the payment is due shall pay interest at the rate prescribed in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, on both the tax due and on the penalty. The department shall after notice and a hearing, revoke the license of any operator failing, without just cause, to pay the amount due within thirty days after such payment is due. Any person whose license is revoked under this section shall not be eligible for relicensure for one year after such revocation.

Sec. 4. Each operator shall maintain records of all wagers received and of all payments made. Such records shall include the name and address of the person making the wager or receiving the payment. The operator shall retain such records for one calendar year. The department may inspect such records at any time during normal business hours. Each operator shall display his or her license in a position clearly visible to the public at the location where he or she accepts wagers.

Sec. 5. The department shall adopt and promulgate rules and regulations to carry out this act.

Sec. 6. It shall not be unlawful for any person to engage in gambling on a sporting event if the wager is placed with a licensed sports pool operator.

Sec. 7. Any person violating this act shall be guilty of a Class I misdemeanor.”.

VISITORS

Visitors to the Chamber were Mr. Jim Laessle of Mitchell; the following LEAD members: Dale Anderson, Chadron: Peggy Andreasen, St. Edward: Kent Antes, Syracuse: Steve Arneal, North Bend: Tom Baker, Trenton: Garold Batterman, Bridgeport: Mike Bauerle, Champion: Clifford Bergfield, Chadron: Kent Boyer, North Platte: Dave Doeschot, Adams: Tracy Grasz, North Platte: Mark Gustafson, Mead: Jerry Haertel, Greenwood: Bryce Halstead, Dix: Ken Herz, Lawrence: Larry Holscher, Ogallala: Larry Hudkins, Malcolm: Daryl Hunnicutt, Giltner: Doug Johnson, Wausa: Rex Kirchhoff, Hardy: Kent Kuhr, Blair: Gary Mather, Seward: Carmen Patent, Randolph: Wayne Rasmussen, Plainview: Kathy Schmitz, Maywood: Greg Senkbile, Central City: Larry Sitzman, Culbertson: Doug Soderquist, Hastings: Carl Stander, Kimball: Lyle Wertz, Chapman; Mrs. Velda Hill, Mrs. Norma Smith, and Mr. and Mrs. Roscoe Wolfe from Wilsonville; and a Chamber of Commerce group from Chadron.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Tuesday, February 7, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 7, 1984

LEGISLATIVE JOURNAL

TWENTY-SECOND DAY - FEBRUARY 7, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 7, 1984

Pursuant to adjournment, the Legislature met at 9:07 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend Peter Gadient, Pastor of St. Mary's Catholic Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; Messrs. Goodrich, V. Johnson, Lamb, Schmit, and Mrs. Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

MESSAGE FROM THE GOVERNOR

February 1, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Games and Parks Commission requiring legislative confirmation:

Stan Juelfs, Box 202, Kimball 69145, (308)235-4067, Term: 2/1/84 -

1/15/89 Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 8, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Liquor Control Commission requiring legislative confirmation:

John P. Miller, 500 South 18th Street, Omaha, 68101, 341-0994, Term: 2/1/84 - 5/24/89 Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 188
February 3, 1984

Dear Senator DeCamp:

You have asked our opinion as to the constitutional validity of LB 709. We believe this bill can be successfully defended against constitutional attack.

Neb.Rev.Stat. §77-3506, Reissue 1981, formally provided for an exemption to a portion of the value of all homesteads in the state. Pursuant to Neb.Rev.Stat. §77-3523 (Reissue 1981), the counties were reimbursed by the state for taxes lost by reason of such exemptions.

Section 77-3506 was repealed in 1983 by LB 396. Except for those owned by certain specified classifications of homeowners, homesteads no longer enjoy a tax exemption. LB 709 is obviously intended to give the owners of such homesteads a cash reimbursement of a portion of the taxes paid, in lieu of the exemption authorized by Article 8, Section 2 of the Constitution.

We must keep in mind that the Constitution is a restriction, not a grant, of powers to the Nebraska Legislature. The general rule is that the Legislature has any power not forbidden to it. We find nothing which would forbid the Legislature to make this sort of direct payment to homeowners in lieu of the homestead exemption. We do not feel it is unreasonable classification, since the Constitution specifically created the class of owners of homesteads. There is little difference between giving a tax exemption and reimbursing the counties for revenue lost, and, instead, making a direct payment to the taxpayer.

We do note, however, some confusing language in the bill. In Section 3, "homeowner" is defined as a person who owns or is purchasing a homestead under a mortgage or a land contract. One does not "purchase" real estate under a mortgage. There may be a mortgage on the real estate, but, if the title is in the homeowner's name, he is not purchasing it. Compare the language of Neb.Rev.Stat. §77-3503 (Supp. 1983).

Nowhere in the bill do we find a specific requirement that the homestead claimant actually occupy the property as a home. Section 3, defining a homeowner, defines him or her as a person who owns or is purchasing a homestead, and Section 4 defines a homestead as the dwelling and so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for use of the dwelling as a home. While the court would probably read into the statute a requirement that the claimant actually occupy the premises, we believe that express language, such as is found in Neb.Rev.Stat. §77-3502 (Reissue 1981), requiring actual occupancy, would be desirable.

Section 6 deals with a claimant occupying two or more homesteads in one year. Does this contemplate successive homesteads, or would it authorize a person who owned two homes simultaneously (as, for example, a home on a farm and a home in town) to claim both of them? The literal language of the bill would seem to authorize this, but we are not confident that that is the intention. It should probably be clarified.

We also point out that partial homestead exemptions for certain classes of owners were retained. Under the language of LB 709 a person eligible for one of these partial exemptions would also be eligible for the reimbursement provided for in Section 9. This is proper, if it reflects the Legislature's intention, but we felt it should be called to its attention.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Withdraw LB 1116

Mrs. Higgins moved to withdraw LB 1116.

Laid over.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 1084. Placed on General File as amended.
Standing Committee amendments to LB 1084:
AM1883

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. It is the legislative intent of this act to clearly define for local governments what criteria is to be considered when designating an area of their city or village as blighted. The purpose of this designation is to promote economic development and rehabilitation in specific and limited areas within that city or village that require special incentive financing and to revitalize a specific area of a city or village by the promotion of business and employment opportunities in that area.

Sec. 2. That section 18-2103, Revised Statutes Supplement, 1982, be amended to read as follows:

18-2103. As used in sections 18-2101 to 18-2144, unless the context otherwise requires:

(1) An authority shall mean any community redevelopment authority created pursuant to section 18-2102.01, and a city or village which has created a community development agency pursuant to the provisions of section 18-2101.01, and shall not mean a limited community redevelopment authority;

(2) Limited community redevelopment authority shall mean a community redevelopment authority created pursuant to section 18-2102.01, having only one single specific limited pilot project authorized;

(3) City shall mean any city or incorporated

village in the state;

(4) Public body shall mean the state, or any municipality, county, township, board, commission, authority, district, or any other political subdivision or public body of the state;

(5) Governing body or local governing body shall mean the city council, board of trustees, or other legislative body charged with governing the municipality;

(6) Mayor shall mean the mayor of the city or ~~chairman~~ chairperson of the board of trustees of the village;

(7) Clerk shall mean the clerk of the city or village;

(8) Federal government shall mean the United States of America, or any agency or instrumentality, corporate or otherwise, of the United States of America;

(9) Area of operation shall mean and include the area within the corporate limits of the city and such land outside the city as may come within the purview of section 18-2123;

(10) Substandard areas shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare;

(11) Blighted area shall mean an area in which there is at least one of the following conditions: (a) Unemployment in the designated area in one hundred twenty per cent of the state or national average; (b) the average age of the residential or commercial units in the area is at least forty years; (c) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (d) the per capita income of the area is lower than the average per capita income of the city or village in

which the area is designated; or (e) that the area has had either stable or decreasing population based on the last two decennial censuses, except that in no event shall a city of the metropolitan, primary, or first class designate more than thirty- five per cent of the city as blighted, and a city of the second class or village shall not designate an area larger than fifty per cent of the city or village as blighted; ~~Blighted area shall mean an area, which by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use;~~

(12) Redevelopment project shall mean any work or undertaking in one or more community redevelopment areas: (a) To acquire substandard or blighted areas or portions thereof, including lands, structures, or improvements the acquisition of which is necessary or incidental to the proper clearance, development, or redevelopment of such substandard or blighted areas; (b) to clear any such areas by demolition or removal of existing buildings, structures, streets, utilities, or other improvements thereon and to install, construct, or reconstruct streets, utilities, parks, playgrounds, public spaces, public parking facilities, sidewalks or moving sidewalks, convention and civic centers, bus stop shelters, lighting, benches or other similar furniture, trash receptacles, shelters, skywalks and pedestrian and vehicular overpasses and underpasses, and any other necessary public improvements essential to the preparation of sites for uses in accordance with a redevelopment plan; (c) to sell, lease, or otherwise

make available land in such areas for residential, recreational, commercial, industrial, or other uses, including parking or other facilities functionally related or subordinate to such uses, or for public use or to retain such land for public use, in accordance with a redevelopment plan; and may also include the preparation of the redevelopment plan, the planning, survey, and other work incident to a redevelopment project and the preparation of all plans and arrangements for carrying out a redevelopment project; (d) to dispose of all real and personal property or any interest in such property, or assets, cash, or other funds held or used in connection with residential, recreational, commercial, industrial, or other uses, including parking or other facilities functionally related or subordinate to such uses, or any public use specified in a redevelopment plan or project, except that such disposition shall be at its fair value for uses in accordance with the redevelopment plan; (e) to acquire real property in a community redevelopment area which, under the redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitate the structures, and resell the property; and (f) to carry out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the redevelopment plan;

(13) Redevelopment plan shall mean a plan, as it exists from time to time for one or more community redevelopment areas, or for a redevelopment project, which plan (a) shall conform to the general plan for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area, zoning and planning changes, if any, land uses, maximum densities, and building requirements;

(14) Redeveloper shall mean any person, partnership, or public or private corporation or agency which shall enter or propose to enter into a redevelopment contract;

(15) Redevelopment contract shall mean a contract entered into between an authority and a redeveloper for the redevelopment of an area in

conformity with a redevelopment plan;

(16) Real property shall mean all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise, and the indebtedness secured by such liens;

(17) Bonds shall mean any bonds, including refunding bonds, notes, interim certificates, debentures, or other obligations issued pursuant to the provisions of sections 18-2101 to 18-2144;

(18) Obligee shall mean any bondholder, agent, or trustee for any bondholder, or lessor demising to any authority, established pursuant to the provisions of section 18-2101.01, property used in connection with a redevelopment project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with such authority;

(19) Person shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar representative thereof;

(20) Community redevelopment area shall mean a substandard or a blighted area or a combination thereof which the community redevelopment authority designates as appropriate for a renewal project; and

(21) Redevelopment project valuation shall mean the valuation for assessment of the taxable real property in a redevelopment project last certified for the year prior to the effective date of the provision authorized in section 18-2147.

Sec. 3. That section 18-2109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2109. An authority shall not prepare a redevelopment plan for a redevelopment project area unless the governing body of the city in which such area is located has, by resolution, declared such area to be a substandard or blighted area. ~~in need of redevelopment.~~ No city of the metropolitan, primary, or first class shall designate more than thirty-five per cent of the land area of such city, and no city of the second class or village shall designate more than fifty per cent of the land area of such city, as substandard or blighted. Such resolution shall include a finding that (1) the rehabilitation, conservation, redevelopment, or a combination of such actions in the area is necessary to provide for the public health, safety, or welfare of the residents of the city and (2) the area meets the requirements of section 18- 2103.”.

2. On page 7, line 6, strike “18-2102” and insert “18-2109”; in line 7 after “1943,” insert “section 18-2103, Revised Statutes Supplement, 1982,”.

3. Renumber the remaining sections accordingly.

(Signed) Dave Newell, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Higgins asked unanimous consent to have her name added as co-introducer to LB 694. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Name

Mr. DeCamp asked unanimous consent to have his name removed as co-introducer to LB 762. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 254.

MOTION - Return LB 56 to Select File

Messrs. Beutler, DeCamp, and Wesely moved to return LB 56 to Select File for the following specific amendment:
(Amendment on file in the Clerk’s Office - Room 2018 - AM1768.)

Speaker Nichol requested a ruling of the Chair on whether the Beutler-DeCamp-Wesely amendment is germane to the bill.

The Chair ruled the Beutler-DeCamp-Wesely amendment not germane to the bill.

Mr. Newell challenged the ruling of the Chair. The question is, “Shall the Chair be overruled?”

Mr. Carsten moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 23 ayes, 0 nays, and 16 not voting.

The motion to overrule the Chair lost with 12 ayes, 31 nays, 4 present and not voting, and 2 excused and not voting.

The Chair was sustained.

Mr. Beutler moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM1768.

Mr. Chambers raised a point of order regarding the propriety of the Beutler motion because Rule 6, Section 8 precludes consideration of such a motion.

Mr. Beutler moved to recommit LB 56 to the Miscellaneous Subjects Committee for purposes of holding a hearing on AM1768 to LB 56.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The Beutler motion to recommit to Committee lost with 15 ayes, 25 nays, 8 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Withdraw Amendment to LB 56

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM1591, found in the Journal on page 377 to LB 56. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 620 to LB 56. No objections. So ordered.

MOTION - Return LB 56 to Select File

Mr. DeCamp moved to return LB 56 to Select File for the following specific amendment:

1. Strike original section 6 and insert the following new sections:

"Sec. 6. Sections 2 to 5 and 8 of this act shall not become operative until (1) the minimum age for the purchase, sale, and consumption of alcoholic liquor, except beer having an alcoholic content of three and two- tenths per cent or less, in all states adjacent to Nebraska is twenty- one years of age or older or (2) September 1, 1985, whichever occurs first.

Sec. 7. That original section 53-102, Revised Statutes Supplement, 1982, is repealed.

Sec. 8. That original sections 53-180.02, 53-180.04, and 53-180.05, Revised Statutes Supplement, 1982, and section 53-103, Revised Statutes Supplement, 1983, are repealed.".

2. Strike original standing committee amendments 2 and 3.

3. On page 8, line 23 after "status" insert an underscored period; and strike beginning with the comma in line 23 through line 25 and show the old matter as stricken.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

The DeCamp motion to return to Select File lost with 20 ayes, 24 nays, 4 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 56.

A BILL FOR AN ACT relating to liquor; to amend sections 53-180.02, 53-180.04, and 53-180.05, Revised Statutes Supplement, 1982, and section 53-103, Revised Statutes Supplement, 1983; to redefine minor; to harmonize provisions; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Barrett	Beyer	Carsten	Chronister	Clark
Eret	Fenger	Goll	Goodrich	Haberman
Hefner	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Schmit
Scofield	Sieck	Von Minden	Wagner	Warner

Voting in the negative, 12:

Abboud	Beutler	Chambers	DeCamp	Hannibal

Harris Higgins Johnson, V. Newell Rupp
Vickers Wesely

Present and not voting, 1:

Labedz

Excused and not voting, 1:

Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 115.

A BILL FOR AN ACT relating to insurance; to amend section 44-1620, Revised Statutes Supplement, 1982, and section 44-1625, Revised Statutes Supplement, 1983; to authorize disability insurance coverage for state employees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Remmers Rupp Schmit
Scofield Sieck Vickers Wagner Warner
Wesely

Voting in the negative, 2:

Pirsch Von Minden

Excused and not voting, 1:

Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 171 to Select File

Mr. Chambers moved to return LB 171 to Select File for the following specific amendment:
Strike the enacting clause.

SPEAKER NICHOL PRESIDING

The Chambers motion lost with 18 ayes, 27 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Chambers moved to return LB 171 to Select File for the following specific amendment:
Page 2, line 7: strike "and fifty cents".
Page 5, line 20: strike "and fifty cents".

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

Abboud	Beutler	Beyer	Carsten	Chambers
Clark	Eret	Goll	Haberman	Hannibal
Jacobson	Johnson, R.	Lamb	McDonald	Morehead
Newell	Nichol	Peterson, R.	Pirsch	Remmers
Vickers	Von Minden			

Voting in the negative, 25:

Barrett	Chronister	DeCamp	Fenger	Goodrich
Harris	Hefner	Hoagland	Johnson, L.	Johnson, V.
Kahle	Kilgarin	Labedz	Landis	Lundy
Marsh	Pappas	Peterson, H.	Rupp	Schmit
Scofield	Sieck	Wagner	Warner	Wesely

Present and not voting, 1:

Higgins

Excused and not voting, 1:

Withem

The Chambers motion to return to Select File lost with 22 ayes, 25 nays, 1 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 171.

A BILL FOR AN ACT relating to the State Recreation Road Fund; to amend section 39-2402, Revised Statutes Supplement, 1982, and section 60-302, Revised Statutes Supplement, 1983; to increase motor vehicle registration fees; to provide for placement of increased fees in the State Recreation Road Fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Barrett
Chronister
Clark
DeCamp
Fenger
Goodrich
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Lundy
Marsh
Pappas
Peterson, H.
Peterson, R.
Rupp
Schmit
Scofield
Sieck
Wagner
Warner
Wesely

Voting in the negative, 18:

Abboud
Beutler
Beyer
Chambers
Eret
Goll
Haberman
Hannibal
Johnson, R.
Lamb
McDonald
Morehead
Newell
Nichol
Pirsch
Remmers
Vickers
Von Minden

Present and not voting, 1:

Carsten

Excused and not voting, 1:

Withem

A constitutional majority having voted in the affirmative, the bill

was declared passed and the title agreed to.

MESSAGE FROM THE GOVERNOR

February 7, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 183 without my signature and with my objections.

Although I share the concern of the proponents of LB 183 that justice be done, I cannot support this bill. LB 183 is contrary to two historical tenets which form a substantial part of the foundation of our criminal justice system. First, the Constitutional, statutory and case law requires that the state have the responsibility and obligation to prove all essential elements of a crime before a person is adjudged guilty. Second, a person is innocent until proven guilty beyond a reasonable doubt by the state.

In non-criminal cases, the simple shifting of presumptions and burdens of proof from one side to the other is an acceptable process to sift through the facts to arrive at the truth. It is commonly believed that at the conclusion of the adversary process between equal participants, the party that prevails is the party that tips the "scales of justice" by a mere preponderence of the evidence. When all that is at risk in the non-criminal dispute is money, property, or legal theory, the slightest tip of the scales in the favor of one of the litigants suffices.

However, in criminal cases when freedom and loss of liberty are at risk, the court and the jury must by competent proof, know beyond a reasonable doubt that the State has identified and proved every element of the crime. Society demands that when the State utilizes all of its resources to convict the accused; it must do so in a manner and method leaving very little to chance.

Shifting some of the burden in some of the cases to some of the defendants some of the time is not the proper way for courts and prosecutors to convict some of the accused.

The separate building blocks of our jurisprudential history and individual rights are the foundations of our free democratic society as we know it. To remove one of those blocks or tamper with a part of that foundation has the potential to severely weaken a structurally sound criminal justice system, or put into motion the further diminution of individual rights and State responsibility.

I have faith in our judicial branch and in our jury system to consider each case on its merits. They have consistently demonstrated an ability to fairly and adequately assess responsibility and guilt in many difficult cases over the years and will continue to do so in the future.

I therefore urge that you sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 653. Placed on General File.

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 623.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 623
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0158

1. The Kilgarin amendment, AM1773, adopted February 3, 1984, was drafted to the green copy and has been incorporated into the Final Reading copy.
2. On page 1, line 3, "and" has been struck and after the second comma "and 75-101," has been inserted.
3. On page 2, line 5, after the semicolon "to eliminate a qualification for members of the Public Service Commission;" has been inserted.
4. On page 5, line 26, an underscored comma has been inserted after "Township".
5. On page 7, line 10, an underscored period has been inserted after "counted".
6. On page 25, line 10, the second "or" has been struck and "and" has been inserted.
7. Section 14 has been renumbered as section 15.
8. In the Kilgarin amendment, AM1773, adopted February 3, 1984:

a. On page 1, line 19, "his or her" has been struck and "his" has been shown as stricken; and

b. On page 2, line 2, "No" has been struck, shown as stricken, and "A" has been inserted and "not" has been inserted after "shall"; and in line 4 the underscored comma has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 944. Placed on General File as amended.
Standing Committee amendments to LB 944:
AM1904

1. Strike original sections 4 and 6.
2. On page 1, line 2, strike "64-206" and insert "64-202".
3. On page 5, line 19, after "affiant" insert an underscored comma and strike the underscored comma.
4. On page 6, line 3, strike "64-206" and insert "64-202".
5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1085. Placed on General File as amended.
Standing Committee amendment to LB 1085:
AM1905

1. Insert the following new section:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) David Landis, Chairperson

MESSAGES FROM THE GOVERNOR

February 7, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 636, 634, 79, 641, 633, 639, 640, 590, 635, 638, 637, 276 were received in my office on February 3, 1984.

These bills were signed by me on February 7, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 7, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 9, 394, 477, 477A, 478, 478A and 482 were received in my office on February 2, 1984.

These bills were signed by me on February 7, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 670, 681, and 686.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 681

The following changes, required to be reported for publication in the Journal, have been made:

ER0159

1. In the V. Johnson and Landis amendment adopted February 6, 1984, "8" has been struck and "9" inserted and ", show as stricken," has been inserted before "and".

Enrollment and Review Change to LB 686

The following changes, required to be reported for publication in the Journal, have been made:

ER0160

1. In the Vickers amendment adopted February 6, 1984, on page 1, line 1, "Line 6" has been struck and "lines 6 through 14" has been inserted.

2. In the E & R amendment, AM5233, the matter beginning with "and" in line 2 through the last quotation mark in line 3 has been struck and "; and in line 5 strike 'committee' and insert 'committees' " has been inserted.

(Signed) Mary Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Newell asked unanimous consent to have his name added as co-introducer to LB 993. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 278.

A BILL FOR AN ACT relating to insurance; to amend section 44-333.01, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to the requirement of an examination for agents; to define terms; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Fenger	Goll	Goodrich

Haberman	Hannibal	Harris	Hefner	Higgins
Hoagland	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Eret	Jacobson

Excused and not voting, 2:

Clark	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 475. With Emergency.

A BILL FOR AN ACT relating to the Abstracters Board of Examiners; to amend section 81-199, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the termination of such board as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely			

Voting in the negative, 0.

Excused and not voting, 2:

Clark Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 480 to Select File

Mr. V. Johnson moved to return LB 480 to Select File for the specific amendment, AM1849, found in the Journal on page 758.

The motion to return prevailed with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 480. The V. Johnson specific amendment, AM1849, found in the Journal on page 758 was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 527. With Emergency.

A BILL FOR AN ACT relating to funds; to create certain cash funds; to eliminate provisions relating to the disposition of certain money; to repeal sections 79-1910 and 79-2009, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Johnson, R. Johnson, V. Kahle Kilgarin Labedz

Lamb Landis Lundy Marsh McDonald
Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Schmit
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely

Voting in the negative, 0.

Excused and not voting, 2:

Clark Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 625. With Emergency.

A BILL FOR AN ACT to amend section 86-701, Reissue Revised Statutes of Nebraska, 1943, relating to telecommunications; to redefine a term; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Beyer Carsten
Chronister DeCamp Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Hoagland
Jacobson Johnson, L. Johnson, R. Johnson, V. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Scofield Sieck Vickers Von Minden
Wagner Warner Wesely

Voting in the negative, 1:

Schmit

Present and not voting, 3:

Chambers Eret Higgins

Excused and not voting, 2:

Clark
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 710.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-407, Revised Statutes Supplement, 1982; to change requirements for certain permits as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 2:

Clark
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 734.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-748.01, Reissue Revised Statutes of Nebraska, 1943; to change certain interest provisions on payments due contractors; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Barrett
Beyer
Carsten
Chambers
Chronister
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Johnson, V.

Excused and not voting, 3:

Clark
Pappas
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 748.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-132, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to adoption of standard codes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Beutler
Beyer
Carsten
Chambers
Chronister
DeCamp
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 3:

Barrett
Eret
Johnson, V.

Excused and not voting, 3:

Clark
Pappas
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 775.

A BILL FOR AN ACT relating to the Nebraska Medical Student Assistance Act; to amend sections 71-5632.01, 71-5636, and 71-5643.01, Reissue Revised Statutes of Nebraska, 1943; to increase allowable time periods for certain loan repayments and other agreements; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers

Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely

Voting in the negative, 0.

Present and not voting, 2:

Chambers Johnson, V.

Excused and not voting, 3:

Clark Pappas Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 896.

A BILL FOR AN ACT relating to advisory zoning committees; to eliminate such committees; and to repeal section 19-3101, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Johnson, R. Kahle Kilgarin Labedz Lamb
Landis Lundy Marsh McDonald Morehead
Newell Nichol Peterson, H. Peterson, R. Pirsch
Remmers Rupp Schmit Scofield Sieck
Vickers Wagner Warner Wesely

Voting in the negative, 0.

Present and not voting, 2:

Johnson, V. Von Minden

Excused and not voting, 3:

Clark Pappas Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 808. E & R amendments, AM5244, found in the Journal on page 737 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 768. Placed on General File.
LEGISLATIVE BILL 857. Placed on General File.

LEGISLATIVE BILL 721. Placed on General File as amended.
Standing Committee amendments to LB 721:
AM1798

1. Strike original section 1.

2. On page 4, reinstate the stricken matter beginning with "lesser" in line 23 through "thousand" in line 25; in line 25 after the stricken "eight" insert "nine"; reinstate the stricken matter beginning with "hundred" in line 25 through "(b)" in line 26; and in line 26 after the stricken "The" insert "One half the".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 922. Placed on General File as amended.
Standing Committee amendments to LB 922:
AM1767

1. On page 3, line 8, strike "baccalaureate" and insert "associate".

2. On page 7, line 5, strike "sixty" and insert "ninety"; and in line 14 after the period insert "The board shall adopt by laws to administer the provisions of sections 1 to 17 of this act.".

3. On page 8, line 5, strike "board and".

4. On page 9, line 10, after "implementation" insert "before July 1, 1988".

5. On page 11, line 1, strike "for the transfer" and insert "that the educational quality"; and in line 3 after "college" insert "be such that it will

ensure the ready transfer of academic credits”.

6. On page 12, line 3, strike “college” and insert “campus”.

7. On page 13, line 4, after “college” insert “campus”; and strike beginning with “at” in line 25 through “board” in line 26 and insert “the Legislature”.

8. On page 14, line 18, after “college” insert “or campus”.

9. On page 15, line 3, strike “board” and insert “Legislature” and strike “along with” and insert “and the board shall establish”; in line 14 strike “area”; and in line 15 after “college” insert “area”.

10. On page 22, line 9, strike “state” and show as stricken.

11. On page 25, strike beginning with “It” in line 16 through line 27 and insert

“It is the intent of the Legislature that by July 1, 1988, the technical community colleges within the state shall be prohibited from levying taxes on the taxable property within a technical community college area to fund the operation, maintenance, or construction of a technical community college or campus. To reach such goal the following appropriation scheme shall be followed: Beginning in fiscal year 1984-85, the Legislature shall increase the state aid appropriation to technical community colleges by five per cent over the 1983-84 appropriation; in fiscal year 1985-86, the Legislature shall increase the state aid appropriation to technical community colleges by twenty per cent over the 1984-85 appropriation; in fiscal year 1986-87, the Legislature shall increase the state aid appropriation to technical community colleges by twenty-five per cent over the 1985-86 appropriation level; and in fiscal year 1987-88, the Legislature shall increase the state aid appropriation to technical community colleges by thirty per cent over the 1986-87 appropriation level. The Legislature may also allow up to a five per cent increase of each appropriation listed in this section to accommodate for inflation. In fiscal year 1988-89 technical community college area boards shall cease to exist and no property taxes shall apply to the funding of such colleges.”.

12. On page 26, strike lines 1 to 5; and in line 20 strike beginning with “Technical” through “Governors”, show as stricken, and insert “technical

community college area boards".

13. On page 27, line 2, after the second comma insert "the technical community college area boards until July 1, 1988, and".

14. On page 31, line 9, strike "and 6" and insert "to 7 and 12"; and in line 10 strike "May" and insert "April".

LEGISLATIVE BILL 928. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1885.)

(Signed) Tom Vickers, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 1125	Thursday, February 23, 1984	1:30 p.m.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Miss Kilgarin asked unanimous consent to print the following amendment to LR 255 in the Journal. No objections. So ordered.

In the "Resolved" section, add the following:
"2. The maximum General Fund appropriation for 1984-85 and 1985-86 may be exceeded if such additional appropriations are for property tax relief or payment of claims related to the Commonwealth insolvency."

Mr. DeCamp asked unanimous consent to print the following amendment to LR 255 in the Journal. No objections. So ordered.

AM1919

1. In the first resolve in line 2 strike "829.7" and insert "801" and strike "878.2" and insert "840".

Explanation: The reduction of $28.7 million for fiscal year 1984-85 includes the following reductions:

1.2 million	Driver's education
3.7 million	Department of Public Institutions fee increase
.6 million	National Guard Tuition

8.4 million	State Patrol gas tax use
1.1 million	Cancer research
3.5 million	miscellaneous
.8 million	Legislative Council
1.6 million	salaries
2.5 million	salary adjustments
	non-personnel system
2.3 million	Chadron Activities Center
1.8 million	Animal science
1.2 million	University

Mr. Newell asked unanimous consent to print the following amendment to LR 255 in the Journal. No objections. So ordered.

Insert a New Whereas, after the third Whereas in the resolution as follows:

Whereas, the State of Nebraska recognizes its obligation to the States Local Subdivisions and the sacrifices they have made during our protracted fiscal crisis of recent years. That the Appropriation Committee intends and shall restore $3,863,050 in special-session cuts made in 1982 and further restores $3,851,000 in reductions to LB 816 funds in the Regular Session in 1982.

Mrs. Labedz and Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1039 in the Journal. No objections. So ordered.

(Amendments to the Standing Committee Amendments)
AM1902

1. On page 1, line 4, after "Finance" insert "to such person"; in line 7 after "Finance" insert "to such person"; and in line 8 after "section" insert ", with the intent to injure or defraud a financial institution subject to such order,".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 56, 115, 171, 278, 475, 527, 625, 710, 734, 748, 775, and 896.

VISITORS

Visitors to the Chamber were Mrs. Peter Mimick and Mrs. Ralph Wolken of Madison; 45 Grandparents of "Grandparents Rights"; Mr. and Mrs. Robert Battreall, McCook; Mr. Rodney Aden and Mr. Dale

Schmeeckle of Gothanburg; Mr. Jeff Pribbeno of Imperial; Mr. Tom Hansen of North Platte; and Ms. Carol Schnider of Culburtson.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Wednesday, February 8, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 8, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 8, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend David Argue, Christ's Place Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; Messrs. Abboud, Barrett, Beutler, Carsten, Chambers, Chronister, Eret, Goodrich, Haberman, Hefner, Hoagland, Lamb, Landis, Newell, R. Peterson, Rupp, Sieck, Wagner, Mrs. Pirsch, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Second Day was approved.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1126. By Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to economic development; to appropriate funds; and to declare an emergency.

REPORT

Received report from the State Claims Board of officers and employees who are bonded and the amount of each pursuant to Section 11-203.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lamb asked unanimous consent to have his name added as co-introducer to LB 922. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 7, 1984, at 1:50 p.m., were the following bills: 56, 115, 171, 278, 475, 527, 625, 710, 734, 748, 775, and 896.

(Signed) Jan Loder, Enrolling Clerk

REPORT

Received Quarterly Report from the Nebraska Department of Roads for the Nebraska State Highway Commission as of December 31, 1983.

MOTION - Withdraw LB 1116

Mrs. Higgins renewed her pending motion found in the Journal on page 801 to withdraw LB 1116.

The motion prevailed with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 899. Title read. Considered.

Standing Committee amendments, AM1862, found in the Journal on page 764 for the Twentieth Day were adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM1764, found in the Journal on page 652. No objections. So ordered.

Mr. DeCamp offered the following amendment:

1. Insert new section:

If within six months of the effective date of this act any financial institution, required to obtain federal insurance coverage of its deposits, shares, savings, certificates of indebtedness as specified in this act, has an application for federal insurance coverage pending, the date for coverage established by this act shall be extended until the federal insurance agency has rendered a final decision on the application.

2. Renumber original sections accordingly.

The DeCamp amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1039. Title read. Considered.

Standing Committee amendments, AM1880, found in the Journal on page 767, for the Twentieth Day were considered.

Mrs. Labedz and Mr. V. Johnson renewed their pending amendment, AM1902, found in the Journal on page 827 to the Standing Committee amendments.

The Labedz-V. Johnson amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM1765, found in the Journal on page 580. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

MOTION - Override Veto on LB 183

Mrs. Pirsch, Messrs. Hefner, and DeCamp moved that LB 183 become law notwithstanding the objection of the Governor.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 1075	Thursday, February 23, 1984 (Cancelled)	1:30 p.m.
LB 1075	Thursday, February 16, 1984 (Reset)	1:30 p.m.

(Signed) Elroy Hefner, Chairperson

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 983. Placed on General File.
LEGISLATIVE BILL 985. Placed on General File.
LEGISLATIVE BILL 1000. Placed on General File.

(Signed) Loran Schmit, Chairperson

Education

LEGISLATIVE BILL 764. Placed on General File as amended.
Standing Committee amendment to LB 764:
AM1920

1. On page 2, strike beginning with "withdraw" in line 3 through "control" in line 7 and insert "reduce, cancel, or refuse to renew an athletic grant-in-aid to a student during his or her period of eligibility to compete in intercollegiate athletics solely because of an injury which prevents the student from participating in athletics".

LEGISLATIVE BILL 981. Placed on General File as amended.
Standing Committee amendments to LB 981:
AM1925

1. On page 1, line 2, strike "85-902,"; strike beginning with "to" in line 7 through the semicolon in line 9; and in line 11 strike "and".
2. On page 6, line 1, strike "actitities" and insert "activities".
3. Strike original section 9.
4. On page 11, line 5, strike "vice" and in line 6 strike "chairperson" and insert "vice- chairperson".
5. On page 17, line 15, strike "85-902,".
6. Renumber the remaining sections accordingly.

(Signed) Tom Vickers, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 255. Placed on Select File as amended.
E & R amendments to LB 255:
AM5247

1. On page 1, strike beginning with the first "to" in line 1 through the semicolon in line 2 and insert "relating to postsecondary education; to appropriate funds;".
2. On page 2, line 4, after "48" insert a comma; and in line 6 strike beginning with "the" through "in".

LEGISLATIVE BILL 405. Placed on Select File as amended.
E & R amendment to LB 405:
AM5248

1. On page 1, strike beginning with "to" in line 1 through line 4 and insert "relating to probate proceedings; to amend section 30-24,105, Reissue Revised Statutes of Nebraska, 1943; to require the recording of certain documents of distribution as prescribed;".

LEGISLATIVE BILL 466. Placed on Select File as amended.
E & R amendments to LB 466:
AM5249

1. On page 1, line 3, after the semicolon insert "to state intent;"; and in line 5 after the semicolon insert "to harmonize provisions;".

2. On page 2, line 10, strike "this" and insert "the" and strike "the"; in line 11 strike "check-off" and insert "checkoff"; and in line 13 strike "this" and insert "such".

3. On page 4, in lines 5 and 6 and line 9, strike "the provisions of" and show as stricken; in line 6 strike "72-1259", show as stricken, and insert "72-1269"; and in line 22 strike "wherein" and insert "in which".

4. On page 5, line 10, strike "available"; in line 12 strike the second "the"; and in line 13 strike "provisions of".

(Signed) Rod Johnson, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 960A. By Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 960, Eighty-eighth Legislature, Second Session, 1984.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

AM1931

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The children who reside in this state are important resources. The State of Nebraska has a vital interest in these resources and, in order to protect and nurture such resources, has an obligation to assure that all children receive a quality education. At the same time the parents or guardians of children who reside in Nebraska are charged with the responsibility of caring for such children and instilling within them certain values and beliefs. Pursuant to their faith, many parents and guardians believe that their children's education should be provided by a school which reflects their religious faith. It is the purpose of this act to achieve an appropriate balance between the state's legitimate interest in the education of Nebraska children and the legitimate interest of the parents in religious freedom.

Sec. 2. A parochial or church-related school shall be exempt from the approval, accreditation, and certification requirements prescribed by the laws of this state and by the rules and regulations adopted and promulgated by the State Department of Education if the parent or legal guardian of each child who attends such school sends to the county superintendent of the school district in which such school is located, upon initial enrollment and at the commencement of each school year thereafter, a signed statement acknowledging the following:

(1) That the parent or legal guardian's religious beliefs dictate that his or her child attend such school;

(2) That the school is not subject to state approval, accreditation, or certification requirements;

(3) That the combined performance of all students in the school on a nationally recognized standardized achievement test, when measured and compared to other student groups in accordance with section 5 of this act, will determine whether his or her child is in compliance with the mandatory school attendance requirements in section 79-201;

(4) That the parent or legal guardian assumes responsibility for the education of his or her child and, on behalf of himself or herself and his or her child, he or she will not hold the state responsible for his or her child's education; and

(5) That he or she will provide the evidence required by section 3 of this act.

Sec. 3. The parent or legal guardian of a student at a school exempted pursuant to section 2 of this act shall provide to the county superintendent of the school district in which such school is located within sixty days of the student's initial enrollment at such school and at the commencement of each school year thereafter evidence that:

(1) The student attending the school is receiving a structured program of education in all the basic skills areas of study included in state curriculum standards for public schools;

(2) The school is being conducted with physical facilities, instructional equipment and materials adequate to the curriculum in use and consistent with subdivision (1) of this section; and

(3) The number of instructional hours which are offered annually by the school equal or exceed the number of instructional hours offered by Nebraska's public schools.

The evidentiary requirements prescribed in this section may be met by reference to documents previously received by the superintendent so long as those documents continue to reflect current practice at the school.

Sec. 4. The parent or legal guardian of a student at a school exempted pursuant to section 2 of this act, shall, in December and May of each school year, provide to the county superintendent of the school district in which such school is located evidence that the child is regularly attending school.

Sec. 5. Every student attending a school exempted pursuant to section 2 of this act shall annually take a nationally recognized standardized achievement test which is recognized by the State Department of Education and educators generally as a proper indicator of student progress in reading, language arts, and mathematics. Such test shall be administered and the scores evaluated under the supervision of the county superintendent of the school district in which the school is located. If the results of the testing demonstrate unsatisfactory group performance, the parents of children attending the school shall be deemed in violation of section 79-201. Unsatisfactory group performance shall be established if the mean level of the test scores across all grades in any one content area are below the mean level achieved by similarly aged students in Nebraska public schools or, if a reasonable sample of test scores from Nebraska schools is not available average national test scores shall be used. At the option of the parent or legal guardian, test results for physically or mentally handicapped children, as defined in subdivisions (3) to (9) of section 43-604, shall not be included in determining either (1) the group performance results for a school or (2) the scores of similarly aged students to be used for comparison purposes.".

RESOLUTION

LEGISLATIVE RESOLUTION 255. Read. Considered.

Miss Kilgarin asked unanimous consent to withdraw her pending amendment found in the Journal on page 826. No objections. So ordered.

Miss Kilgarin offered the following amendment:
In the "Resolved" section, add the following:
"2. The maximum General Fund appropriation for 1984-85 and 1985-86 may be exceeded if such additional appropriations are for property tax relief or payment of claims."

Mrs. Marsh moved for a Call of the House. The motion prevailed with 10 ayes, 8 nays, and 31 not voting.

The Chair declared the Call raised.

The Kilgarin amendment lost with 15 ayes, 16 nays, 16 present and not voting, and 2 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1919, found in the Journal on page 826. No objections. So ordered.

Messrs. V. Johnson and DeCamp offered the following amendment:

In the "resolved" section, existing paragraph: Strike "$829.7" and insert "$817.2". Strike "$878.2" and insert "$865.4".

In the "resolved" section, add the following new paragraph:

2. That notwithstanding the foregoing, the Nebraska Legislature may exceed the maximum General Fund appropriation set forth in the preceding paragraph for any one or more of the following purposes:

a) Additional sums for aid to individuals and local governments.

b) Assumption by the State of full or partial responsibility for programs and services currently provided by local governments.

c) Expenditures for the purpose of credits for property taxes paid.

d) Expenditures to relieve the State of tort or miscellaneous claim liability in connection with the Commonwealth insolvency.

Mr. Landis requested a division of the question on the V. Johnson-DeCamp amendment.

The Chair sustained the division of the question.

The first V. Johnson-DeCamp amendment is as follows:

In the "resolved" section, existing paragraph: Strike "$829.7" and insert "$817.2". Strike "$878.2" and insert "$865.4".

Messrs. R. Johnson and Beyer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. DeCamp requested a record vote on the first V. Johnson-DeCamp amendment.

Voting in the affirmative, 19:

Abboud
Hannibal
Lamb
Pirsch
DeCamp
Hefner
Newell
Remmers
Eret
Hoagland
Nichol
Schmit
Fenger
Johnson, V.
Pappas
Von Minden
Haberman
Labedz
Peterson, R.

Voting in the negative, 24:

Barrett
Beyer
Carsten
Chambers
Chronister
Clark
Goodrich
Harris
Jacobson
Johnson, L.
Kahle
Kilgarin
Landis
Lundy
Marsh
McDonald
Morehead
Peterson, H.
Scofield
Sieck
Vickers
Wagner
Warner
Wesely

Present and not voting, 3:

Beutler
Goll
Higgins

Excused and not voting, 3:

Johnson, R.
Rupp
Withem

The first V. Johnson-DeCamp amendment lost with 19 ayes, 24 nays, 3 present and not voting, and 3 excused and not voting.

The second V. Johnson-DeCamp amendment is as follows:

In the "resolved" section, add the following new paragraph:

2. That notwithstanding the foregoing, the Nebraska Legislature may exceed the maximum General Fund appropriation set forth in the preceding paragraph for any one or more of the following purposes:

a) Additional sums for aid to individuals and local governments.

b) Assumption by the State of full or partial responsibility for programs and services currently provided by local governments.

c) Expenditures for the purpose of credits for property taxes paid.

d) Expenditures to relieve the State of tort or miscellaneous claim liability in connection with the Commonwealth insolvency.

Mrs. Marsh offered the following amendment to the V. Johnson-DeCamp pending amendment:

In sub paragraph (d) strike "in connection with the Commonwealth insolvency".

The Marsh amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Messrs. V. Johnson and DeCamp asked unanimous consent to withdraw their pending amendment.

Miss Kilgarin objected.

Messrs. V. Johnson and DeCamp moved to withdraw their pending amendment.

The V. Johnson-DeCamp motion to withdraw their pending amendment prevailed with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 507A, 663, 911, 976, and 977.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 112. Placed on General File.

LEGISLATIVE BILL 676. Placed on General File as amended.
Standing Committee amendments to LB 676:
AM1888

1. On page 3, line 13, after "standard" insert "Nebraska".

2. On page 7, strike beginning with "An" in line 17 through the period in line 19 and insert "When a request is made under subsection (5) of this section for the disinterment of more than one body, an order from a court of competent jurisdiction shall be submitted to the Bureau of Vital Statistics prior to the issuance of a permit for disinterment. The order shall include, but not be limited to, the number of bodies to be disintered if that number can be ascertained, the transportation of the disintered bodies, the place of reinterment, and the reason for disinterment.".

3. On page 12, strike beginning with "which" in line 22 through "records" in line 26 and insert ". The fund may be used to create a petty cash fund under section 81-104.01 to facilitate the payment of refunds to individuals who apply for copies of records. The petty cash fund shall be subject to section 81-104.01, except that the amount in the fund shall not be less than twenty-five dollars nor more than one thousand dollars".

4. On page 13, strike beginning with "which" in line 26 through line 27 and insert "each of which was created for a different purpose.".

5. On page 14, strike lines 1 and 2; and in line 27 after "include" insert ", but not be limited to,".

6. On page 17, line 10, strike beginning with "made" through "act" and insert "indicating why the

delayed certificate of birth was not issued and registered".

LEGISLATIVE BILL 720. Placed on General File as amended.
Standing Committee amendments to LB 720:
AM1819

1. On page 2, line 10, after "life" insert an underscored period; strike beginning with "unless" in line 11 through the period in line 13; and in line 22 after the period insert "Nothing in this act shall be construed to restrict services to any person served prior to the effective date of this act by a community- based facility, program, or service.".

2. On page 8, line 9, after the semicolon insert "and"; in line 13 strike the semicolon and insert an underscored period; and strike lines 14 through 27.

3. On page 9, strike line 1; in line 7 after "offered" insert "or contracted by the regional governing board"; and strike beginning with "as" in line 13 through "retardation" in line 14 and insert "to persons with mental retardation who meet the criteria for such services, are over twenty- one years of age, and have made application to the regional governing board for such services"; and in line 27 after the semicolon insert "and".

4. On page 10, strike beginning with "Cause" in line 1 through "(d)" in line 5.

(Signed) George Fenger, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

LB 1116 Tuesday, February 21, 1984 (Cancel) 1:30 p.m.

(Signed) Chris Beutler, Chairperson

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 724. Placed on General File as amended.
Standing Committee amendments to LB 724:
AM1923

1. On page 5, line 3, strike "administer or" and show as stricken; strike beginning with "Practice" in line 22 through "Roles" in line 23, show as stricken, and insert "Nurse Practitioner"; and in line 27 strike "Practice of Nursing in Expanded Roles" and insert "Nurse Practitioner".

2. Insert the following new sections:

"Sec. 5. That section 71-1707, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

71-1707. Nurse practitioner shall mean an individual who meets the following qualifications:

(1) Has acquired additional knowledge and skills within ~~to deliver primary care in~~ a particular clinical ~~specialty in collaboration with a physician or other licensed practitioner~~ area designed to enable him or her to practice as provided in section 71-1721;

(2) Has completed an approved basic program in nursing prior to and in preparation for licensure as a registered professional nurse;

(3) Is currently licensed as a registered professional nurse in the State of Nebraska;

(4) Has successfully completed an advanced course of study which prepares the participant for certification in a specific expanded role in nursing and which provides additional knowledge and skills in physical and psychosocial assessment and management of health and illness needs of a specialized population; and

(5) Has met the certification requirements and is currently certified by the department with the approval of the board of examiners and the Board of Nursing.

Sec. 6. Approved certifying body shall mean a national professional organization which certifies qualified licensed nurses in specific nurse practitioner clinical specialties whose membership is open to all qualified licensed nurses and which (1) offers an approved certification program, (2) has developed standards relating to scope of practice for certified nurse practitioners practicing in clinical specialty areas, and (3) is approved by the board.

Sec. 7. Approved certification program shall mean a certification process for nurse practitioners utilized by an approved certifying body that (1) requires evidence of completion of a formal program of study in a nurse practitioner clinical specialty, (2) requires successful completion of a nationally recognized certification examination developed by the approved certifying body, (3) provides an ongoing recertification program, and (4) is approved by the board.".

3. On page 6, line 11, after "offering" insert "accredited"; in line 13 after "practitioners" insert ", which programs meet criteria established by the board"; strike beginning with "Nursing" in line 21 through "Roles" in line 22 and insert "Nurse Practitioner"; in line 22 strike "and"; in line 23 after "boards" insert ", and (5) is approved by the boards according to established criteria"; and in line 27 strike "or physical presence".

4. On page 7, line 2, after "practitioner" insert "related to delegated medical functions as may be required by the boards"; strike beginning with "practicing" in line 6 through "role" in line 7, show as stricken, and insert "practitioner"; in lines 7 and 8 strike the new matter; and in line 11 after the period insert "With the exception of nurse practitioners certified under the provisions of sections 71-1729 to 71-1737, no one shall practice as a nurse practitioner in collaboration with a licensed practitioner except under the terms of the practice agreement.

5. On page 8, strike beginning with "is" in line 2 through "located" in line 4, show as stricken, and insert "has been accredited by the appropriate national accrediting body and the graduates of the program are eligible to take a certification examination approved by the boards"; in line 5 strike the new matter and reinstate the stricken matter; and in line 7 strike "Practice of Nursing in Expanded Roles" and insert "Nurse Practitioner".

6. On page 9, line 2, strike "expanded", show as stricken, and insert "nurse practitioner"; in line 7 after "procedures" insert an underscored comma; and strike beginning with "as" in line 8 through the comma in line 9 and show the old matter as stricken.

7. On page 10, line 3, strike "(1)" and show as stricken; in line 13 after "upon" insert "(1)"; in line 14 after the first comma insert "(2)" and strike "and", show as stricken, and insert "(3) for nurse practitioners other than those certified under the provisions of sections 71-1729 to 71-1737,"; and in line 15 after "practicing" insert ", and (4) for nurse practitioners certified under the provisions of sections 71-1729 to 71-1737, the conditions specified in section 71-1734".

8. On page 12, line 5, strike the underscored comma and insert "which shall be approved by the boards and"; in line 7 strike "Practice of Nursing in Expanded Roles" and insert "Nurse Practitioner"; and in line 14 strike beginning with "maintained" through "boards".

9. On page 13, line 7, after the period insert "Such rules may include, but not be limited to, reasonable requirements that the nurse practitioner and all collaborating licensed practitioners maintain professional liability insurance with such coverage and limits as may be established by the hospital or other health care facility upon the recommendation of the medical staff."; in line 14 after "boards" insert "for approval"; and in line 17 strike "anesthetists" and insert "anesthetist".

10. On page 14, line 6, strike "one year" and insert "two-year"; in line 7 strike "unlimited" and

insert “no more than two” and after the period insert “Physician members shall be appointed by the board of examiners and nurse practitioner members shall be appointed by the board.”; and strike beginning with “in” in line 24 through “nursing” in line 25 and show as stricken.

11. On page 15, line 7, after “program” insert an underscored period; strike beginning with “in” in line 7 through the period in line 8 and show as stricken; in line 13 strike “boards” and insert “board”; in line 15 strike beginning with “Writing” through “submitting”, show as stricken, and insert “Submitting”; in line 17 strike “expanded”, show as stricken, and insert “nurse practitioner”; in line 20 after “practitioners” insert “conducted by an approved certifying body which administers an approved certification program”; and in line 26 strike “expanded”, show as stricken, and insert “nurse practitioner”.

12. On page 18, strike beginning with “Practice” in line 24 through “Roles” in line 25 and insert “Nurse Practitioner”; and in line 25 after “the” insert “delegated medical”.

13. On page 19, line 6, strike “or nurse”; in line 7 strike “midwives”; and strike beginning with “6” in line 22 through “23” in line 23 and insert “10, 17, 25, and 26”.

14. Strike original section 23 and insert the following new section:

“Sec. 26. The collaborative relationship between the licensed practitioner and the nurse practitioner shall be subject to the joint control and regulation of the boards. In order for either of the boards to transact business, a quorum of such board's membership must be present and in order for either of the boards to take any action, a majority of such board's membership must vote in the affirmative. Except when one of the boards is specifically authorized by this act to take independent action, both boards must concur when action by the boards is called for under this act. The boards shall keep a record of all their proceedings relative to this act.”.

15. On page 21, line 22, after “71-1706,” insert “71-1707,”.

16. Renumber the remaining sections accordingly.

(Signed) George Fenger, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 767A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 767, Eighty-eighth Legislature, Second Session, 1984.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 736 in the Journal. No objections. So ordered.

On page 2, line 6, following "corporation" insert "except a bank".

Mr. Lamb asked unanimous consent to print the following amendment to LR 255 in the Journal. No objections. So ordered.

In the Resolved Section add the following:

2. Notwithstanding other provisions of this resolution, the Nebraska Legislature recommends a General Fund appropriation for 1984-85 that can be financed by a maximum of an 18% personal income tax rate and a 3 1/2% general sales tax rate.

ADJOURNMENT

At 12:21 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Thursday, February 9, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 9, 1984

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 9, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Reverend Mark Brunott, First Evangelical Free Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; Messrs. Barrett, Beutler, Beyer, Carsten, Chambers, Clark, DeCamp, Haberman, V. Johnson, Schmit, Wagner, Warner, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

On page 671, line 7, strike “survivors” and insert “survivors’”.
The Journal for the Eighteenth Day was approved as corrected.
The Journal for the Twenty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 835, 837, and 947.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 835

The following changes, required to be reported for publication in the Journal, have been made:

ER0162

1. On page 3, line 19; page 5, in lines 16 and 18; page 6, line 18; page 9, in lines 13, 20, and 24; page 10, in lines 5 and 10; page 11, line 26; page 12, line 27; page 14, line 18; and page 16, line 22, the comma has been struck and shown as stricken.

2. On page 5, line 22, after "taxpayer" an underscored comma has been inserted; and in line 23 "from" has been struck and shown as stricken.
3. On page 7, line 15, an underscored period has been inserted after "court" and in line 17 the period has been struck and shown as stricken.
4. On page 8, line 17, after "state" an underscored comma has been inserted.
5. On page 12, line 21, after "77-412" an underscored comma has been inserted.

(Signed) Mary Sommermeyer
E & R Attorney

REPORT

Received report from Public Employees Retirement Board of the Actuarial Valuation of the following:
Nebraska School Retirement System
Nebraska State Patrolmen's Retirement System
Nebraska Judges Retirement System
Nebraska State Employees Retirement System
Nebraska County Employees Retirement System

Received report from Nebraska State Patrol Drug Control pursuant to Section 28-429(3).

APPRECIATION

Received note of appreciation from Ray R. Wilson.

REPORT OF EMPLOYEES

TO: Patrick O'Donnell, Clerk of the Legislature
FROM: Laura Ashelford, Legislative Business Manager
RE: Session Employee Expense

During the month of January, 1984, 150 full and part-time Senators' session employees and temporary session employees were paid a total of $110,410.59. Of this amount $1,749.29 was overtime.

Detailed information is on file in the Accounting and Budgeting Office.

RESOLUTION

LEGISLATIVE RESOLUTION 256.

Introduced by Marge Higgins, 9th District.

WHEREAS, Tuesday, February 14, 1984, will be the eleventh annual observance of the National Salute to Hospitalized Veterans; and

WHEREAS, the Legislature recognizes that men and women in Veterans' Administration medical facilities are daily facing battles of illness, pain and loneliness; and

WHEREAS, the Legislature wishes to extend its appreciation to hospitalized veterans whose military service has kept our nation free.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature salutes the courage and sacrifices made in defense of freedom by veterans who are now hospitalized.
2. That the Legislature expresses to all hospitalized veterans its wishes for a speedy recovery.
3. That copies of this resolution be sent to the Veterans' Administration Medical Centers in Omaha, Lincoln, and Grand Island.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 450 in the Journal. No objections. So ordered.

AM1911

1. Strike original sections 1 to 26 and 28.

2. Insert new sections as follows:

"Section 1. That section 23-2301, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 216, Eighty-eighth Legislature, Second Session, 1984, be amended to read as follows:

23-2301. As used in sections 23-2301 to 23-2331, unless the context otherwise requires:

(1) Employees shall mean all persons or officers who are employed by a county of the State of Nebraska devoting twenty or more hours per week to such employment, all elected officers of a county, and such other persons or officers as are classified from time to time as permanent employees by the county board of the county by whom they are employed, except that the term shall not include judges, persons making contributions to the School Retirement System of the State of Nebraska, or nonelected employees and nonelected officials of any county having a population in excess of one hundred thousand inhabitants on January 1, 1984;

(2) Retirement shall mean qualifying for and accepting a retirement allowance granted under the provisions of sections 23-2301 to 23-2331;

(3) Retirement board or board shall mean the Public Employees Retirement Board;

(4) Retirement system shall mean the Retirement System for Nebraska Counties;

(5) Required contribution shall mean the deduction to be made from the salary of employees, as provided in sections 23-2301 to 23-2331;

(6) Service shall mean the actual total length of employment as an employee and shall include leave of absence because of disability or military service when properly authorized by the retirement board, except ~~;~~ ~~PROVIDED,~~ that service shall not include any period of disability for which disability retirement benefits are received under the provisions of section 23-2315;

(7) Straight life annuity shall mean an ordinary annuity, payable for the life of the primary annuitant only, and terminating at his or her death without refund or death benefit of any kind;

(8) Date of adoption of the retirement system by each county shall mean the first day of the month next following the date of approval of the retirement system by the county board or January 1, 1986, whichever is earlier;

(9) Prior service shall mean service prior to the date of adoption of the retirement system;

(10) Future service shall mean service following the date of adoption of the retirement system;

(11) Group annuity contract shall mean the contract issued by a life insurance company to the retirement system in order to provide the future service benefits described in sections 23-2301 to 23-2331;

(12) Carrier shall mean the life insurance company or trust company designated by the retirement board as the underwriter or trustee of the retirement system;

(13) Regular interest shall mean the rate of interest earned each calendar year commencing January 1, 1975, as determined by the retirement board in conformity with actual and expected earnings on its investments;

(14) Disability shall mean an inability to engage in a substantially gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or be of a long and indefinite duration; and

(15) Date of disability shall mean the date on which a member is determined by the board to be disabled.

Sec. 2. That section 23-2302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2302. A county employees' retirement system ~~may~~ shall be established for the purpose of providing a retirement annuity or other benefits for employees as provided by the provisions of sections 23-2301 to 23-2331. It shall be known as the Retirement System for Nebraska Counties, and by such name shall transact all business and hold all cash and other property as provided in sections 23-2301 to 23-2331.

Sec. 3. That section 23-2329, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2329. The provisions of sections 23-2301 to 23-2331 shall become effective for each county upon their adoption by the county board or on January 1, 1986, whichever is earlier.

Sec. 4. That section 23-2330, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2330. Upon the adoption of the retirement system by the county board, the county clerk shall certify such action to the retirement board. ~~He shall also submit~~ Upon the adoption of the retirement system by the county board or by January 1, 1986, whichever is earlier, the county clerk shall submit to the board a list of all employees then eligible for participation in the plan, which list shall state the name and address of the employee and his or her gross monthly wage.

Sec. 6. That original sections 23-2302, 23-2329, and 23-2330, Reissue Revised Statutes of Nebraska, 1943, and section 23-2301, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 216, Eighty-eighth Legislature, Second Session, 1984, are repealed.".

3. On page 25, lines 26 and 27, and page 26, line 2, strike "1 to 19 of this act" and insert "23-2301 to 23-2331".

4. Renumber original section 27 as section 5.

ANNOUNCEMENTS

Mr. Pappas designates LB 692 as his priority bill.

Mr. Goll designates LB 825 as his priority bill.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 745. With Emergency.

A BILL FOR AN ACT relating to employment; to amend section 48-604, Revised Statutes Supplement, 1983; to clarify the meaning of certain provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Abboud
Chronister
Eret
Fenger
Goll
Goodrich
Hannibal
Harris
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wesely

Voting in the negative, 0.

Excused and not voting, 15:

Barrett
Beutler
Beyer
Carsten
Chambers
Clark
DeCamp
Haberman
Higgins
Johnson, V.
Labedz
Schmit
Wagner
Warner
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 747. With Emergency.

A BILL FOR AN ACT relating to labor; to amend sections 48-605, 48-606.01, 48-609, 48-611, and 48-662, Reissue Revised Statutes of Nebraska, 1943, and section 84-1301, Revised Statutes Supplement, 1983; to eliminate provisions relating to the Division of Employment of the Department of Labor; to change retirement provisions for certain employees of the department; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Abboud
Chronister
Eret
Fenger
Goll
Goodrich
Hannibal
Harris
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wesely

Voting in the negative, 0.

Excused and not voting, 15:

Barrett
Beutler
Beyer
Carsten
Chambers
Clark
DeCamp
Haberman
Higgins
Johnson, V.
Labedz
Schmit
Wagner
Warner
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 851.

A BILL FOR AN ACT to adopt the Nebraska Job Training Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud
Chronister
Eret
Fenger
Goll
Goodrich
Hannibal
Harris
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wesely

Voting in the negative, 0.

Excused and not voting, 15:

Barrett
Beutler
Beyer
Carsten
Chambers
Clark
DeCamp
Haberman
Higgins
Johnson, V.
Labedz
Schmit
Wagner
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 420.

A BILL FOR AN ACT relating to liability; to define terms; and to relieve certain people from liability when dealing with hazardous materials as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud
Chronister
Eret
Fenger
Goll

Hannibal	Harris	Hefner	Hoagland	Jacobson
Johnson, R.	Kahle	Kilgarin	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Scofield	Sieck	Vickers
Von Minden	Wesely			

Voting in the negative, 0.

Present and not voting, 2:

Goodrich	Johnson, L.

Excused and not voting, 15:

Barrett	Beutler	Beyer	Carsten	Chambers
Clark	DeCamp	Haberman	Higgins	Johnson, V.
Labedz	Schmit	Wagner	Warner	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 643. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1983; to revise the powers of credit unions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Abboud	Chronister	Eret	Fenger	Goll
Goodrich	Hannibal	Harris	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Kahle	Kilgarin
Lamb	Landis	Lundy	Marsh	McDonald
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Scofield	Sieck
Vickers	Von Minden	Wesely		

Voting in the negative, 0.

Present and not voting, 1:

Morehead

Excused and not voting, 15:

Barrett	Beutler	Beyer	Carsten	Chambers

Clark DeCamp Haberman Higgins Johnson, V.
Labedz Schmit Wagner Warner Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 664. With Emergency.

A BILL FOR AN ACT relating to the Legislative Fiscal Analyst; to amend section 50-419, Reissue Revised Statutes of Nebraska, 1943; to provide additional duties as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 32:

Abboud Chronister Eret Fenger Goll
Goodrich Hannibal Harris Hefner Hoagland
Johnson, L. Johnson, R. Kahle Kilgarin Lamb
Landis Lundy Marsh McDonald Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Scofield Sieck
Vickers Wesely

Voting in the negative, 2:

Jacobson Von Minden

Excused and not voting, 15:

Barrett Beutler Beyer Carsten Chambers
Clark DeCamp Haberman Higgins Johnson, V.
Labedz Schmit Wagner Warner Withem

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 32:

Abboud Chronister Eret Fenger Goll
Goodrich Hannibal Harris Hefner Hoagland
Johnson, L. Johnson, R. Kahle Kilgarin Lamb
Landis Lundy Marsh McDonald Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Scofield Sieck
Vickers Wesely

Voting in the negative, 2:

Jacobson
Von Minden

Excused and not voting, 15:

Barrett
Beutler
Beyer
Carsten
Chambers
Clark
DeCamp
Haberman
Higgins
Johnson, V.
Labedz
Schmit
Wagner
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 795.

A BILL FOR AN ACT relating to the Documentary Stamp Act; to amend section 76-902, Revised Statutes Supplement, 1983; to change provisions relating to exemptions from tax; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Abboud
Chronister
Fenger
Goll
Goodrich
Hannibal
Harris
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Landis
Lundy
Marsh
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wesely

Voting in the negative, 0.

Present and not voting, 3:

Eret
Lamb
McDonald

Excused and not voting, 15:

Barrett
Beutler
Beyer
Carsten
Chambers
Clark
DeCamp
Haberman
Higgins
Johnson, V.
Labedz
Schmit
Wagner
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 796.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704, Revised Statutes Supplement, 1983; to provide for an exemption; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud
Chronister
Eret
Fenger
Goll
Goodrich
Hannibal
Harris
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Von Minden
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Vickers

Excused and not voting, 15:

Barrett
Beutler
Beyer
Carsten
Chambers
Clark
DeCamp
Haberman
Higgins
Johnson, V.
Labedz
Schmit
Wagner
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 946. With Emergency.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Revised Statutes Supplement, 1982; to provide certain duties; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Abboud
Chronister
Eret
Fenger
Goll
Goodrich
Hannibal
Harris
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Lamb
Landis
Lundy
Marsh
McDonald
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck

Vickers Von Minden Wesely

Voting in the negative, 0.

Present and not voting, 1:

Morehead

Excused and not voting, 15:

Barrett Beutler Beyer Carsten Chambers
Clark DeCamp Haberman Higgins Johnson, V.
Labedz Schmit Wagner Warner Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 745, 747, 851, 420, 643, 795, 796, and 946.

MOTION - Override Governor's Veto on LB 183

Mrs. Pirsch, Messrs. Hefner, and DeCamp renewed their pending motion that LB 183 become law notwithstanding the objection of the Governor found in the Journal on page 831.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 0 nays, and 27 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 183 pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Abboud Barrett Beutler Beyer Carsten
Chronister Clark DeCamp Fenger Goll
Haberman Hefner Higgins Jacobson Johnson, L.
Johnson, R. Kahle Labedz Lamb Lundy
McDonald Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Vickers Von Minden Wagner
Warner

Voting in the negative, 16:

Chambers Eret Goodrich Hannibal Harris
Hoagland Johnson, V. Kilgarin Landis Marsh
Morehead Newell Rupp Schmit Scofield

Wesely

Present and not voting, 1:

Sieck

Excused and not voting, 1:

Withem

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

EXPLANATION OF VOTE

Had I been present at the Executive Session of the Public Works Committee on Tuesday, February 7, I would have voted "No" on LB 983.

(Signed) Peter Hoagland

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 776 in the Journal. No objections. So ordered.

On page 6, line 22 after the words basis, insert the words, "or minors who deliver newspapers on a part-time or a full-time basis, as defined in § 25-523,"

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 807. Placed on General File.

(Signed) John DeCamp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 348. Title read. Considered.

Standing Committee amendment, AM0602, found in the Journal on page 847, for the Forty-First Day, First Session, was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Messrs. Hoagland and Goodrich moved to indefinitely postpone LB 348.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Goodrich requested a roll call vote on the Hoagland-Goodrich motion.

Voting in the affirmative, 15:

Abboud
Clark
Eret
Fenger
Goodrich
Higgins
Hoagland
Jacobson
Johnson, R.
Kilgarin
Labedz
Morehead
Newell
Pappas
Wesely

Voting in the negative, 26:

Barrett
Beyer
Carsten
DeCamp
Goll
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Lamb
Landis
Lundy
Marsh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner

Present and not voting, 6:

Beutler
Chronister
Hannibal
Harris
McDonald
Pirsch

Absent and not voting, 1:

Chambers

Excused and not voting, 1:

Withem

The Hoagland-Goodrich motion to indefinitely postpone lost with 15 ayes, 26 nays, 6 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 26 ayes, 3 nays, 19 present and not voting, and 1 excused and not voting.

MOTION - Reconsider Final Reading of LB 664

Mr. V. Johnson moved to reconsider the final reading vote on LB 664E with respect to the emergency clause.

The motion to reconsider prevailed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 664. With Emergency.

A BILL FOR AN ACT relating to the Legislative Fiscal Analyst; to amend section 50-419, Reissue Revised Statutes of Nebraska, 1943; to provide additional duties as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Chambers	Labedz	Pappas

Excused and not voting, 1:

Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 664.

COMMUNICATION

The Honorable Allen Beermann
Secretary of State
State of Nebraska
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

RE: LB 183

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 183, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of LB 183, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
cc: Governor Kerrey

CERTIFICATE

Legislative Bill 183, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 9th day of February, 1984.

(Signed) Don McGinley, Lt. Governor
President of the Legislature

EXPLANATIONS OF VOTES

Had I been present at the Executive Session of the Public Works Committee on February 7, 1984, I would have voted no on LB 983.

(Signed) Robert Clark

Had I been present, I would have voted yes on the following bills: 745E, 746E, 747E, 851, 420, 643E, 664E, 795, 796, and 946E.

(Signed) Rex Haberman

Had I been present, I would have voted aye on LB 796.

(Signed) Marge Higgins

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 250. Indefinitely postponed.
LEGISLATIVE BILL 359. Indefinitely postponed.
LEGISLATIVE BILL 513. Indefinitely postponed.
LEGISLATIVE BILL 1120. Indefinitely postponed.

(Signed) Dave Newell, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Harris asked unanimous consent to print the following amendment to LB 645 in the Journal. No objections. So ordered.

AM1912

1. On page 16, strike beginning with "produce" in line 22 through line 27 and show as stricken.

2. On page 17, strike beginning with "picture" in line 1 through the second comma in line 2, show as stricken, and insert "utilize the documentary film depicting the various aspects of Nebraska state government produced by the Nebraska Educational Television Commission prior to the effective date of this act. The film".

Mr. Barrett asked unanimous consent to print the following amendment to LB 746 in the Journal. No objections. So ordered.

AM1952

1. On page 8, line 16, after "or" insert "in an educational institution when employed by".

2. On page 9, in lines 2 and 6 after "or" insert "in an educational institution when employed by"; and in line 26 after "or" insert "in the educational institution when employed by".

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 995. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 255. Considered.

Messrs. Newell and V. Johnson renewed the pending Newell amendment found in the Journal on page 827.

Mr. Newell moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Beyer	Carsten	Chambers	DeCamp	Eret
Fenger	Haberman	Hannibal	Hefner	Higgins
Hoagland	Johnson, R.	Johnson, V.	Labedz	Landis
McDonald	Newell	Pappas	Pirsch	Remmers

Rupp Schmit Vickers Von Minden

Voting in the negative, 22:

Barrett Beutler Chronister Clark Goll
Goodrich Harris Jacobson Johnson, L. Kahle
Kilgarin Lamb Lundy Marsh Morehead
Nichol Peterson, H. Scofield Sieck Wagner
Warner Wesely

Absent and not voting, 1:

Abboud

Excused and not voting, 2:

Peterson, R. Withem

The Newell amendment lost with 24 ayes, 22 nays, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Messrs. Barrett and Chronister asked unanimous consent to be excused until they return. No objections. So ordered.

Miss Kilgarin offered the following amendment:
In the "Resolved" section, add the following:
"2. The maximum General Fund appropriation for 1984-85 and 1985-86 may be exceeded if such additional appropriations are for property tax relief."

Mr. DeCamp offered the following amendment to the Kilgarin amendment:
By inserting, "Provided, in no case shall the tax rates exceed 3 1/2% for sales tax and 18% for income tax."

Mr. V. Johnson requested a ruling of the Chair on whether the DeCamp amendment is germane to the Kilgarin amendment.

Pending.

VISITORS

Visitors to the Chamber were 8 students, sponsors, and teacher from District 51, Willow Creek School; Art Anderson from Bloomfield; Gary Thompson from Red Cloud; Roger Dorn from Franklin; Joe Burnham from North Bend; Wayne Hansen from St. Paul; 5 public elementary students and sponsor from North Platte; and Maureen S. Frisch from Redondo Beach, California.

ADJOURNMENT

Mrs. Marsh moved to adjourn. The motion prevailed with 24 ayes, 0 nays, and 25 not voting, and at 12:05 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Friday, February 10, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 10, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 10, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Senator H. Peterson.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Wagner, and Withem who were excused; and Messrs. Abboud, Chambers, V. Johnson, Remmers, Schmit, Sieck, and Vickers who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 859, strike lines 17 and 18 and insert:
(Signed) William Nichol, Speaker
Presiding Officer of the Legislature

The Journal for the Twenty-Fourth Day was approved as corrected.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 1056. Placed on General File.

(Signed) Jerome Warner, Chairperson

Revenue

LEGISLATIVE BILL 758. Placed on General File.
LEGISLATIVE BILL 813. Placed on General File.
LEGISLATIVE BILL 870. Placed on General File.

LEGISLATIVE BILL 891. Placed on General File as amended.
Standing Committee amendments to LB 891:
AM1944

1. On page 2, line 14, strike “beverages,” and insert “beverages for more than two days per week, or”; in line 16 strike “sex,”; strike beginning with the underscored comma in line 17 through “school” in line 18; and in line 21 after “subjects” insert “or a museum or historical society operated exclusively for the benefit and education of the public”.
2. On page 4, in lines 12 and 15, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 675. Indefinitely postponed.
LEGISLATIVE BILL 732. Indefinitely postponed.
LEGISLATIVE BILL 816. Indefinitely postponed.
LEGISLATIVE BILL 945. Indefinitely postponed.

(Signed) Calvin Carsten, Chairperson

ANNOUNCEMENT

Mr. Warner announced that the Appropriations Committee hearing on Monday, February 13, will be in the East Chamber.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 9, 1984, at 11:55 a.m., were the following bills: 745, 747, 851, 420, 643, 664, 795, 796, and 946.

(Signed) Pam Moravec, Enrolling Clerk

MOTION - Place LB 945 on General File

Mr. Newell moved to place LB 945 on General File notwithstanding the actions of the Committee.

Laid over.

EXPLANATION OF VOTE

Because of the Special Commonwealth Committee meeting Thursday, February 9, 1984 in the morning, I would have voted aye on final reading on LB 745, LB 851, LB 420, LB 643, LB 664, and LB 795.

(Signed) Vard Johnson

ATTORNEY GENERAL'S OPINION

Opinion No. 189
February 8, 1984

Dear Senator V. Johnson:

You have submitted to us some proposed amendments to LB 835. One of these amendments would reduce the period of time within which a taxpayer may demand the refund of an invalid tax from two years to 30 days after the payment thereof. The statute provides that if the same is not refunded within 90 days after such demand, suit may be brought against the County Treasurer for the amount so demanded. You asked whether it is constitutionally permissible for the Legislature to reduce this time, in view of the fact that such reduction will prevent taxpayers who have paid such taxes during the past two years from having an opportunity to claim refunds. We conclude that such a provision would violate due process.

We have discovered only one very old Nebraska case on the subject, Horbach v. Miller, 4 Neb. 31 (1875). In that case, the court said:

> We think the rule is correctly laid down in the case of Bigelow v. Bemen, 2 Allen, 497, as follows: "It is well settled that it is competent for the legislature to change statutes prescribing limitations to actions, and that the one in force at the time suit is brought is applicable to the cause of action. The only restriction on the exercise of this power is, that the legislature cannot remove a bar or limitation which has already become complete, and that no limitation shall be made to take effect on existing claims without allowing a reasonable time for parties to bring action before these claims are absolutely barred by a new enactment."

In 16A AM.Jur.2d, page 657, Constitutional Law, §672, we find:

> As a general rule, a statute of limitations which operates only prospectively is not considered to impair vested rights. However, a legislature has no power to interfere with vested rights after suit has been commenced; thus, a statute of limitations under no circumstances can operate retroactively to the extent of defeating actions and other proceedings which have been commenced prior to its enactment, and if the statute operates immediately to cut off the existing remedy, or within so short a time as to give the party no reasonable opportunity to exercise his remedy, then the retroactive application of it is unconstitutional as to such party.

As we understand the proposed amendment, a payment of invalid taxes made a year ago, as to which no demand for refund had been made on the effective date of the bill would be immediately cut off. We believe this would be a violation of the Constitution, and that the holders of such claims must be given a reasonable time after the effective date of the act within which to present their claims to the County Treasurer.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 696. Title read. Considered.

Standing Committee amendments, AM1853, found in the Journal on page 682 for the Eighteenth Day were considered.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendments were adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - EXPEDITE LB 696

Mr. Beutler asked unanimous consent to expedite LB 696. No objections. So ordered.

MOTION - Place LR 225 on General File

Miss Kilgarin moved to place LR 225 on General File notwithstanding the action of the committee.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 705 in the Journal. No objections. So ordered.

AM1937

(Amendments to the Standing Committee Amendments)

1. On page 1, line 2, strike "and" and insert a comma and strike "fifty- six" and insert "fifty- one"; and in line 3 before the semicolon insert ", and strike "is" through "receiving", show the old matter as stricken, and insert "will not receive".

GENERAL FILE

LEGISLATIVE BILL 969. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 773. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 697. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 811. Title read. Considered.

Mr. Beutler offered the following amendment:

1. On page 5, line 24, strike beginning with "Such" through "such" on line 25; and on line 26 reinsert the stricken "Such".

The Beutler amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 990. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 677. Title read. Considered.

PRESIDENT MCGINLEY PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 481.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 481

The following changes, required to be reported for publication in the Journal, have been made:
ER0161

1. Because of the first Fenger amendment adopted February 6, 1984, the first Warner amendment adopted February 6, 1984, found on page 790 of the Journal has been struck.
2. In the third Fenger amendment adopted February 6, 1984, found on page 790 of the Journal, "A" has been struck and "a" inserted, "An unlicensed" has been struck and "an unlicensed" inserted, and "school" has been underscored.
3. Because LB 481 already has an emergency clause, the second Warner amendment adopted February 6, 1984, found on page 791 of the Journal has been struck.
4. On page 1, line 4, "define and" has been inserted after the second "to"; in line 5 "to provide findings;" has been struck; and in line 13 "to change provisions relating to the practice of psychology; to change provisions relating to the authorization of certain activities by unlicensed persons;" has been inserted after the first semicolon.
5. In the E & R amendments, AM5210, on page 3, line 17, "1983" has been struck and "1984" has been inserted.

(Signed) Mary Sommermeyer
E & R Attorney

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

Governor's appointment Friday, February 24, 1984 1:30 p.m.
Stan Juelfs, Nebraska Game and Parks Commission

(Signed) Bernice Labedz, Chairperson

Judiciary

Governor's appointment Wednesday, Feb. 29, 1984 1:30 p.m.
Merritt Green, Executive Director, NE Commission on Law Enforcement and Criminal Justice

(Signed) Chris Beutler, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 9, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ayres, Joseph W. - Lincoln, (Withdrawn 2/1/84) Nebraska Monument Builders Association
Gibilisco, Nick P. - Omaha, Omaha Police Union Local 101
Kelley, Michael - Omaha, Omaha Auto Auction, Inc. (Withdrawn 5/25/83) Schmit Industries, Inc. (Withdrawn 5/25/83)
Langland, Karen E. - Eagan, MN, Peoples Natural Gas Company
Mehmeken, Roy E. - Lincoln, Alliance of American Insurers (Withdrawn 8/11/83) Nebraska Recreational Detectors Association (Withdrawn 8/11/83)
Mihovk, Donald J. - Omaha, Northern Natural Gas Company
Moylan, James H. - Omaha, Nebraska Messenger Service Association
Poots, Jeffrey L. - Lincoln, Nebraska Republican Party
Rasmussen, Dennis - Lincoln, Developmental Services Corporation; International Game Technology
Robinson, William J. - Lincoln, American Federation of State, County and Municipal Employees (Withdrawn 1/3/84)
Seline, Kathleen D. - Omaha, Creighton University
Sheets, Van Alan - Lincoln, American Federation of State, County and Municipal Employees (Withdrawn 1/3/84)
Simon, Ray - Omaha American Association of University Professors, UNO Chapter
Tews & Radcliffe:
  Radcliffe, Walter H. - Lincoln, CITICORP
Todd, A. Loy - Lincoln, CITICORP
Wall, Sue Ellen - Lincoln, Coalition Against Video Slot Machines

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 990A. By Haberman, 44th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 990, Eighty-eighth Legislature, Second Session, 1984.

LEGISLATIVE BILL 991A. By Haberman, 44th District

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 991, Eighty-eighth Legislature, Second Session, 1984.

GENERAL FILE

LEGISLATIVE BILL 729. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 818. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 853. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 897. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 730. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 749. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 644. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 683. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 862. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 820. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 881. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1119. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 673. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 690. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 995. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 1061. Indefinitely postponed.

Your Committee on Miscellaneous Subjects reports the following gubernatorial appointments back to the Legislature with the recommendation that they be confirmed by the Legislature with a record vote.

John P. Miller - Nebraska Liquor Control Commission

Voting yes: Senators Barrett, Fenger, Hefner, V. Johnson, Lundy, and Newell. Voting no: None. Absent: Senators Hannibal, and Von Minden.

Richard Noel - State Electrical Board

Voting yes: Senators Barrett, Fenger, Hefner, V. Johnson, Lundy, Newell, and Von Minden. Voting no: None. Absent: Senator Hannibal.

(Signed) Elroy Hefner, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 225CA. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 257.

Introduced by Beutler, 28th District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Hannibal, 4th District; Harris, 27th District; Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; Kilgarin, 7th District; Labedz, 5th District; Landis, 46th District; Lundy, 36th District; Marsh, 29th District. McDonald, 31st District; Morehead, 30th District; Nichol, 48th District; Pappas, 42nd District; Pirsch, 10th District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th

District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District.

WHEREAS, George W. Norris represented Nebraska in the United States Congress with distinction for 40 years, during which time he played a leading role in major national events, such as the formation of the Tennessee Valley Authority, the creation of the Rural Electrification Administration, in addition to others, serving to improve the American political system and the quality of life of many persons; and

WHEREAS, Senator Norris has also left indelible imprints on the development of the good life in Nebraska as a result of the above accomplishments and others such as progressive agricultural legislation and spearheading irrigation development; and

WHEREAS, 1984, is the 50th anniversary of one of his most noted achievements, the successful culmination of his years of effort to establish a non-partisan Unicameral Legislature with the approval of the constitutional amendment by the voters at the 1934 general election; and

WHEREAS, suitable events and commemorative activities are being planned for this anniversary year; and

WHEREAS, in 1979, the Nebraska Legislature, by the adoption of Legislative Resolution I, inaugurated a program of honoring certain historic political figures, in part by naming legislative hearing rooms after them.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE, SECOND SESSION:

1. That during the 50th anniversary year of the successful initiative campaign leading to the approval of the constitutional amendment providing for the Nebraska Unicameral Legislature, it is appropriate to bestow a similar honor on George William Norris.
2. That the chamber in which this body meets shall be named in his honor and will henceforth be officially known as the George W. Norris Legislative Chamber.
3. That a plaque inscribed with this commemorative designation be prepared and attached to an appropriate place near the entrance to such chamber.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

AM1934

1. On page 2, line 5, strike "subsection" and

insert "subsections" and after "(2)" insert "and (3)"; and strike beginning with "and" in line 22 through line 27 and insert an underscored period.

2. On page 3, strike line 1 and insert the following new subsection:

"(3) Any person who renews his or her Class A motor vehicle operator's license prior to its expiration shall not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3) of section 60-408 if he or she presents to the examiner an abstract of his or her driving record which shows that such person has had no traffic violations as described in section 39-669.26 from the date the operator's license was last issued to the date the abstract was issued. A person may apply for and receive an abstract of his or her driving record from the Department of Motor Vehicles, using the procedure as prescribed in section 60-412. For purposes of this section, no abstract shall be used if issued more than ninety-five days prior to the expiration of such person's motor vehicle operator's license.".

Mrs. Labedz asked unanimous consent to print the following amendment to LB 700 in the Journal. No objections. So ordered.

AM1924

1. In the E & R amendment, AM5245, on page 1, line 6, strike "and"; and in line 7 strike "two" and insert "One member chosen from the University of Nebraska; and

(5) One member".

2. In the Beutler amendment, AM1833, on page 1, line 8, strike "members".

3. In the Beutler amendment, AM1868, on page 1, line 13, strike "the state personnel system" and insert "Nebraska state government"; and strike beginning with "the" in line 18 through "system" in line 19 and insert "Nebraska state government".

4. On page 2, line 6, strike "the" and insert "Nebraska" and strike "personnel" and insert "government"; in line 7 strike "system"; strike beginning with "the" in line 16 through "81-1307" in line 18 and insert "Nebraska state government"; strike beginning with "the" in line 21 through "81-1307" in line 23 and insert "Nebraska state government"; and strike beginning with "the" in line 26 through line 27

and insert "Nebraska state government".;

5. On page 3, line 1, strike "section 81-1307".

6. On page 4, line 20, strike "the state personnel system" and insert "Nebraska state government".

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 696. Placed on Select File as amended.
E & R amendment to LB 696:
AM5250

Because of line number differences between the bill as introduced and the green copy, all amendments are to the green copy.

1. On page 1, line 6, strike "and"; and in line 7 after "section" insert "; and to declare an emergency".

(Signed) Rod Johnson, Chairperson

COMMUNICATION ON LB 183

February 9, 1984

Honorable Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to acknowledge receipt of engrossed Legislative Bill Number 183 passed by the Eighty-eighth Legislature, second session. Along with this bill, I have received your cover letter dated February 9, 1984 and the certificate signed by William E. Nichol, presiding officer of the Legislature and the copy of Governor Robert Kerrey's veto message dated February 7, 1984 in which he returned Legislative Bill 183 without his signature and with his objections.

Please be advised that Legislative Bill 183 and all correspondence relating thereto has been officially filed in the office of Secretary of State on February 9, 1984.

As Secretary of State, I hereby acknowledge the receipt of the certificate signed by William E. Nichol, presiding officer of the Legislature which reads: "Legislative Bill 183, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 9th day of February, 1984."

Finally, I respectfully request that a copy of this letter and the attached certificate be placed in the Legislative Journal.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that pursuant to the provisions of 84-503 R.R.S., and the appropriate provisions of the Constitution of the State of Nebraska, Legislative Bill Number 183, passed by the Eighty-eighth Legislature, second session was filed in the office of the Secretary of State on February 9, 1984 at 10:35 A.M., along with the certification signed by William E. Nichol, Presiding Officer of the Legislature.

Said certification states as follows:

"Legislative Bill 183, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 9th day of February, 1984."

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this ninth day of February in the year of our Lord, one thousand nine hundred and eighty-four.

Sincerely,
(Signed) ALLEN J. BEERMANN
Secretary of State

(SEAL)

GENERAL FILE

LEGISLATIVE BILL 750. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 752. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 653. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 768. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 985. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1000. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 967. Placed on General File.

LEGISLATIVE BILL 680. Indefinitely postponed.

LEGISLATIVE RESOLUTION 223CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 238CA. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 671. Placed on General File.

LEGISLATIVE BILL 682. Placed on General File as amended.
Standing Committee amendments to LB 682:
AM1963

1. On page 2, line 8, reinstate the stricken period; and strike beginning with "or" in line 9 through the period in line 13 and show the old matter as stricken.

2. On page 3, strike beginning with "more" in line 20 through "contract" in line 22 and insert "the number of members of the board declaring an interest in the contract would prevent the board, with all members present, from securing a quorum on the issue".

3. Strike original section 8 and insert the following new section:

"Sec. 8. That section 17-209.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 368, Eighty-eighth Legislature, Second Session, 1984, be amended to read as follows:

17-209.02. The local governing body of a village may, at its discretion, by ordinance combine and merge any elective or appointive office or employment, except trustee, with any other elective or appointive office or employment so that one or more of such offices or employments may be held by the same officer or employee at the same time, except that trustees may perform and upon board approval receive compensation for seasonal or emergency work subject to ~~the maximum contract amount set forth in section 18- 301~~ the provisions of sections 18- 301.01 to 18- 301.04. The offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined. For purposes of this section volunteer firefighters and ambulance drivers shall not be considered officers.".

4. On page 11, strike beginning with "elected" in line 15 through the underscored comma in line 16, show the old matter as stricken and insert "(a)"; in line 17 strike "or" and insert "(b)"; in line 18 strike "(a)" and insert "(i)"; in line 20 strike "(b)" and insert "(ii)"; and in line 21 after "commission" insert ", or (c) any elected city or village official".

5. On page 12, line 1, reinstate the stricken period; and strike beginning with "or" in line 2 through

the period in line 6 and show the old matter as stricken.

6. On page 13, strike beginning with "more" in line 13 through "contract" in line 16 and insert "the number of members of the board declaring an interest in the contract would prevent the board, with all members present, from securing a quorum on the issue".

7. On page 17, strike beginning with "elected" in line 7 through the underscored comma in line 8, show the old matter as stricken and insert "(a)"; in line 9 strike "or" and insert "(b)" and strike "(a)" and insert "(i)"; in line 11 strike "(b)" and insert "(ii)"; in line 12 after "commission" insert ", or (c) any elected county official"; in line 21 reinstate the stricken period; and strike beginning with "or" in line 22 through the period in line 26 and show the old matter as stricken.

8. On page 19, strike beginning with "more" in line 6 through "contract" in line 9 and insert "the number of members of the board declaring an interest in the contract would prevent the board, with all members present, from securing a quorum on the issue".

9. On page 22, strike beginning with "elected" in line 24 through the underscored comma in line 25, show the old matter as stricken, and insert "(a)"; in line 26 strike "or" and insert "(b)"; and in line 27 strike "(a)" and insert "(i)".

10. On page 23, line 1, strike "(b)" and insert "(ii)"; in line 2 after "commission" insert ", or (c) any elected school official"; in line 6 reinstate the stricken period; and strike beginning with "or" in line 7 through the period in line 11 and show the old matter as stricken.

11. On page 24, strike beginning with "more" in line 18 through "contract" in line 20 and insert "the number of members of the board declaring an interest in the contract would prevent the board, with all members present, from securing a quorum on the issue".

12. On page 28, line 10, strike the comma and insert "and"; in line 11 strike "and 17-209.02,"; in line 12 strike "and"; and in line 14 after "1983," insert "and section 17-209.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 368, Eighty-eighth Legislature, Second Session, 1984,".

13. Insert the following new section:
"Sec. 25. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) David Landis, Chairperson

Education

LEGISLATIVE BILL 970. Placed on General File as amended.
Standing Committee amendment to LB 970:
AM1965

1. On page 4, strike beginning with the first "master" in line 1 through "and" in line 2.

(Signed) Tom Vickers, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

Governor's Appointments Tuesday, February 28, 1984 1:00 p.m.
Board of Trustees of Nebraska State Colleges - Student Representatives
Scott Liggett, Chadron State College
Cynthia Lauritsen, Kearney State College
Lori A. Vrtiska, Peru State College
Stacey B. Dagle, Wayne State College

Educational Television Commission
Arthur Langvardt
Maurine Biegert
Vance D. Rogers
Jerry Ingram
Phillip Heckman
Odra W. Bradley
Emmett Conneally

Educational Lands and Funds

David A. Domina

(Signed) Tom Vickers, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 480.

Correctly Engrossed

The following bill was correctly engrossed: 808.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Changes to LB 480
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0163

1. The V. Johnson amendment adopted February 7, 1984, which was drafted to the Standing Committee amendments has been incorporated into the Final Reading copy.
2. On page 1, line 3, ", and section 81-885.25, Revised Statutes Supplement, 1983" has been inserted after "1943"; in line 5 after the semicolon "to provide for a description of certain facts;" has been inserted and "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 808

The following changes, required to be reported for publication in the Journal, have been made:
ER0164

1. On page 1, line 7, after the first semicolon "to provide fees;" has been inserted and "a time" has been struck and "times" inserted; in line 9 after the semicolon "to provide duties;" has been inserted and "relating to" has been struck; and in line 10 "filing fees" has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

COMMUNICATION

February 10, 1984

The Honorable Paul Douglas
Attorney General, State of Nebraska
Room 2115
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Attorney General:

Pursuant to a Motion adopted by the Special Commonwealth Committee on February 9, 1984, I have been directed to deliver to you a copy of said Motion.

Please note that said Motion directs the Chairperson of the Special Commonwealth Committee to set a date, time and place for the Committee to consider the actions of the Attorney General in relationship to the Commonwealth Savings Company. Said meeting is to occur between February 24, 1984, and March 3, 1984.

You will be provided with, the Chairperson, Senator Vard Johnson, actual notice of the meeting once a time, date and place have been selected. You have been requested to attend said meeting.

Enclosed is a copy of the Motion as adopted by the Special Commonwealth Committee.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure

REPORT

Received report from the Special Commonwealth Committee:

MOTION

Whereas, by Resolution of the Executive Board of the Nebraska Legislature, appearing at page 129, et. seq., of the Legislative Journal, dated January 4, 1984, there was created a Special Commonwealth Committee to examine among other things the activities of the Attorney General and the office of the Attorney General in reference to the failure of Commonwealth Savings Company;

Whereas, the Special Commonwealth Committee was authorized by the Legislature at page 183 of the Legislative Journal, dated January 4, 1984;

Whereas, by virtue of the foregoing described resolution the Special Commonwealth Committee was also charged with considering all resolutions of impeachment relating to any office-holder involved with the failure of Commonwealth Savings Company;

Whereas, by virtue of "A Special Report of the Investigation of Public Officials", prepared by David A. Domina, Special Assistant Attorney General, and John P. Miller, Special Assistant Director Nebraska Department of Banking and Finance, dated January 20, 1984, the activities of the Honorable Paul L. Douglas were examined in relation to the failure of Commonwealth Savings Company;

Whereas, although no specific allegation of wrongdoing or neglect is made by Mr. Domina and Mr. Miller in the foregoing described Report against the Attorney General, the Report raises questions regarding propriety on the part of the Attorney General which must be answered;

Whereas, the Honorable Paul L. Douglas has publicly denied any wrongdoing with regard to the failure of Commonwealth Savings Company, and has criticized the Report of Mr. Domina and Mr. Miller as being inaccurate;

Whereas, the Honorable Paul L. Douglas has responded to the Report of Mr. Miller and Mr. Domina, in writing, on February 6, 1984;

Whereas, the Honorable Paul L. Douglas is an elected official and as such should be accorded an opportunity to defend himself with respect to any implication of wrongdoing;

Whereas, the People of the State of Nebraska deserve to have a full and fair examination of the activities of the Honorable Paul L. Douglas in relation to the failure of Commonwealth Savings Company;

I, therefore, move:

1. That the Chairperson of the Special Commonwealth Committee be authorized to set a date, time, and place for a committee meeting, limited as herein provided, to consider the actions of the Attorney General in relation to Commonwealth Savings Company, which meeting shall, nevertheless, not be scheduled any sooner than February 24, 1984, nor any later than March 3, 1984;

2. Pursuant to Rule 3 of the Rules of the Legislature, the Model Committee Rules are hereby adopted for the purpose of said meeting, except to the extent otherwise provided herein;

3. That the Chairperson of the Special Commonwealth Committee shall cause to be given a Notice of Meeting as provided in Model Committee Rule V C;

4. That on the date set for the meeting by the Chairperson, the Committee shall consider:

> Whether Paul L. Douglas did conduct himself improperly or unlawfully in his business transactions with Marvin Copple, Judy Driscoll, Paul Galter, or Commonwealth Savings Company regarding the purchase, sale and financing of real estate in Lincoln, Lancaster County, Nebraska, during a time when he was Attorney General of the State of Nebraska, all as more particularly specified in "A Special Report of the Investigation of Public Officials" prepared by David A. Domina, Special Assistant Attorney General, and John P. Miller, Special Assistant Director Nebraska Department of Banking and Finance, dated January 20, 1984, which Report is on file with the Clerk of the Nebraska Legislature;
>
> Whether Paul L. Douglas did neglect or abuse the duties of his office as Attorney General or conduct himself improperly in his

investigation into official actions concerning reports of wrongdoing or impropriety involving Commonwealth Savings Company and its insiders, all as more particularly specified in "A Special Report of the Investigation of Public Officials" prepared by David A. Domina, Special Assistant Attorney General, and John P. Miller, Special Assistant Director of the Nebraska Department of Banking and Finance, dated January 20, 1984, which Report is on file with the Clerk of the Nebraska Legislature.

5. That upon conclusion of the foregoing described meeting the Special Commonwealth Committee may take such action as is appropriate;

6. That the following described procedures shall be utilized during the Committee meeting:

a. The Nebraska Rules of Evidence shall not apply;

b. The first interrogation of witnesses shall be done by Special Counsel for the Special Commonwealth Committee, but each Committee member may submit questions to be asked by Special Counsel in which event such questions shall be asked, but following interrogation by Special Counsel each member may question witnesses for a time specified by the Chairperson, and then Special Counsel may inquire further;

c. Each witness shall be accorded the right to make a statement at the opening of his or her testimony;

d. Each witness shall take an oath or affirmation to tell the truth and nothing but the truth;

e. The Chairperson shall designate an official reporter to take down verbatim the testimony presented at such meeting and to maintain custody of Exhibits during the meeting, which official reporter shall thereafter transcribe the testimony and deliver such transcribed testimony to the Clerk of the Legislature, together with any Exhibits presented at such meeting;

f. Any and all persons deemed necessary by the Committee, including any and all persons whose names appear in "A Special Report of the Investigation of Public Officials", dated January 20, 1984, previously described, including the authors of said Report, may be subpoenaed to attend, and to bring with them documents, all as provided in Rule 3, Section 19 of the Rules of the Nebraska Legislature, except that all time limitations are waived;

g. During the meeting the Chairperson may make such other provisions as may be necessary or desirable to provide a full, fair and complete evaluation of the facts and circumstances necessary to judge the conduct of the Honorable Paul L. Douglas;

h. Any person attending such meeting shall as a witness be accorded the right to be represented by counsel;

i. The meeting shall be open to persons holding certified press credentials and senators and their authorized staff only;

7. That the following described persons are requested to attend said meeting as witnesses, to wit:

a. The Honorable Paul L. Douglas;
b. Barry Lake;
c. Paul J. Amen;
d. Ruth Anne Galter;
e. Paul Galter;
f. David A. Domina;
g. John P. Miller;

8. That subpoenas shall be issued by the Chairperson upon the filing of an affidavit by Special Counsel that such subpoenas are otherwise authorized to be issued pursuant to the Rules of the Legislature, and no further vote by the Special Commonwealth Committee need be taken for the issuance of such subpoenas;

9. That no persons other than those specified in the foregoing described paragraph shall be called as witnesses, except that upon request by Special Counsel or the Honorable Paul L. Douglas additional witnesses may be permitted to attend and testify at the discretion of the Chairperson;

10. That Special Counsel is authorized to meet with any of the foregoing described witnesses to prepare for said meeting and to insure an orderly meeting;

11. That the Clerk of the Legislature is directed to deliver a copy of this Motion to the Honorable Paul L. Douglas forthwith.

DATED this 9th day of February, 1984.
Motion made by: Senator V. Johnson.
Motion seconded by: Senator Beutler.
Voting for the Motion: Senators Barrett, Beutler, Beyer, Carsten, Chambers, Clark, DeCamp, Haberman, Higgins, V. Johnson, Labedz, Schmit, Wagner, and Warner.
Voting against the Motion: 0
Not voting: Senator Remmers
Absent: Senator Nichol

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 820 in the Journal. No objections. So ordered.

AM1971

1. Insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

SELECT FILE

LEGISLATIVE BILL 703. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 255. E & R amendments, AM5247, found in the Journal on page 832 for the Twenty-Third Day were adopted.

Mr. Landis offered the following amendment:
Strike $5 million and insert $500,000.

The Landis amendment lost with 10 ayes, 11 nays, 24 present and not voting, and 4 excused and not voting.

Speaker Nichol requested a machine vote on the advancement of the bill.

Mrs. Higgins moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Advanced to E & R for Engrossment with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 405. E & R amendment, AM5248, found in the Journal on page 832 for the Twenty-Third Day was adopted.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mrs. Labedz designates LB 695 as her priority bill.

VISITORS

Visitors to the Chamber were 11 students and teacher from District 38 School, Lincoln; Mrs. Audrey Lee of Grand Island; Paul Orvis from Imperial; Senator Harris' in-laws, Mr. & Mrs. Ben Hormel from McCook; Mary Sue Harris of McCook; 40 members from the Gospel Tabernacle; and four students and sponsor from UNL's Model United Nations.

ADJOURNMENT

At 11:45 a.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Monday, February 13, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 13, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 13, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Father Placek, Sacred Heart Church, Burwell, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer and R. Johnson who were excused; and Messrs. Abboud, Goodrich, Harris, Hoagland, V. Johnson, Lamb, Landis, Newell, Rupp, Schmit, Warner, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fifth Day was approved.

MESSAGES FROM THE GOVERNOR

February 10, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 56, 115, 171, 278, 475, 527, 625, 710, 734, 748, 775 and 896 were received in my office on February 7, 1984.

These bills were signed by me on February 10, 1984 and delivered to the

Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

February 10, 1984

Dear Mr. O'Donnell:

Engrossed Legislative Bills 851, 745 and 747 were received in my office on February 9, 1984.

These bills were signed by me on February 10, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

February 10, 1984

Dear Mr. O'Donnell:

Engrossed Legislative Bills 420, 643, 664, 795, 796 and 946 were received in my office on February 9, 1984.

These bills were signed by me on February 10, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

MOTION - Approve Appointments

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointment found in the Journal on page 872:

John P. Miller—Nebraska Liquor Control Commission.

Voting in the affirmative, 26:

Chronister Clark DeCamp Eret Goll
Hefner Higgins Hoagland Johnson, L. Kilgarin
Labedz Landis Lundy Marsh McDonald
Nichol Peterson, H. Peterson, R. Pirsch Remmers
Scofield Sieck Von Minden Wagner Wesely
Withem

Voting in the negative, 0.

Present and not voting, 11:

Barrett Beutler Carsten Chambers Fenger
Haberman Hannibal Jacobson Kahle Morehead
Vickers

Excused and not voting, 12:

Abboud Beyer Goodrich Harris Johnson, R.
Johnson, V. Lamb Newell Pappas Rupp
Schmit Warner

The appointment was confirmed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointment found in the Journal on page 872:

Richard Noel—State Electrical Board.

Voting in the affirmative, 27:

Carsten Chronister DeCamp Eret Goll
Haberman Hannibal Hefner Hoagland Johnson, L.
Kahle Lamb Landis Lundy Marsh
McDonald Morehead Nichol Peterson, H. Peterson, R.
Pirsch Remmers Scofield Vickers Wagner
Wesely Withem

Voting in the negative, 0.

Present and not voting, 11:

Barrett Beutler Chambers Clark Fenger
Higgins Jacobson Labedz Pappas Sieck
Von Minden

Excused and not voting, 11:

Abboud Beyer Goodrich Harris Johnson, R.
Johnson, V. Kilgarin Newell Rupp Schmit
Warner

The appointment was confirmed with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 471. Placed on General File as amended.
Standing Committee amendments to LB 471:
AM1673

1. On page 4, line 15, after "accounts," strike the comma.

2. On page 5, line 8, after the period insert "The Secretary of State may at his or her discretion designate, for advice and consultation on such matters as necessary, a person or persons directly or indirectly associated with collection agencies as defined in section 2 of this act. Such persons shall be reimbursed for actual and necessary expenses from the Nebraska Collection Agency Fund.".

3. On page 9, lines 14 and 15, strike "one half" and insert "ten per cent".

LEGISLATIVE BILL 516. Placed on General File as amended.
Standing Committee amendments to LB 516:
AM1674

1. On page 10, strike the new matter in lines 20 to 27.

2. On page 11, strike the new matter in lines 1 to 4.

3. Strike original section 9 and insert the following new section:

"Sec. 9. (1) The Legislature hereby finds and declares that a code of practice established by the Board of Examiners for Professional Engineers and Architects by which the members of such professions could govern their professional conduct would be beneficial to the state and would safeguard the life, health, and property of the citizens of this state.

(2) The code of practice established by this section shall include provisions on:

(a) Professional competence;

(b) Conflict of interest;

(c) Full disclosure of financial interest;

(d) Full disclosure of matters affecting public safety, health, and welfare;

(e) Compliance with laws; and

(f) Professional conduct and good character standards.

(3) The board may establish such code of practice through rules and regulations adopted and promulgated by the board.

(4) The board may publish commentaries regarding the code of practice. Such commentaries shall explain the meaning of interpretations given to the code by the board.

(5) The board shall have the power to suspend or revoke an engineer's or architect's certificate of registration for a violation of the code of practice.".

4. On page 26, line 6, strike the semicolon, show as stricken, and insert "or"; in line 13 strike the semicolon, show as stricken, and insert an underscored period; in line 14 strike "nor" through "sections", show the old matter as stricken, and insert a new paragraph and insert "(3) Nothing in sections 81- 839 to 81- 856 shall"; in line 15 after "remodeling" insert an underscored comma; and in line 25 strike ";" and "(c)" and show as stricken.

5. Insert the following new section:

"Sec. 16. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 826. Placed on General File as amended.
Standing Committee amendment to LB 826:
AM1872

1. Strike the original sections and insert the following new section:

"Section 1. The Attorney General and all permanent deputy and assistant attorneys general shall not engage in the private practice of law for compensation or lobbying for compensation.".

LEGISLATIVE BILL 975. Placed on General File as amended.
Standing Committee amendments to LB 975:
AM1909

1. On page 3, line 21; page 5, line 26; and page 12, line 20, strike "7" and insert "8".

2. On page 3, line 6, strike "and"; in line 13 after the semicolon insert "and"; in line 16 after "class" insert: "; and

(3) Signature shall include the mark of a person unable to write his or her name when the name is written by some other person and the mark is made near the name by the person unable to write his or her name"; strike beginning with "twenty" in line 25 through line 27 and insert "thirty-five per cent of the total vote cast for that office in the last general election, except for an office where more than one candidate is chosen in which case the petition shall be signed by registered voters equal in number to at least thirty-five per cent of the number of votes cast for the person receiving the most votes for such office in the last general election. A petition for the recall of a member of a Class I school district shall be signed by registered voters of the district equal in number to at least twenty-five per cent of the total number of registered voters residing in the district.".

3. On page 4, strike line 1; and in line 6 after the period insert "The Secretary of State shall design the uniform petition papers to be distributed by all filing clerks.".

4. On page 5, line 2, after "sign" insert "and print"; and strike beginning with the first "of" in line 17 through "act" in line 18 and insert "clerk issues the initial petition papers to the principal circulator or to a person who provides written documentation, signed by the principal circulator, that he or she is the principal ciruclator's designee".

5. On page 6, line 7, after "petition" insert "and no signatures may be removed unless the filing clerk receives an affidavit signed by the person requesting his or her signature be removed"; in line 14 after the period insert:

"(3) If, due to reapportionment, the boundaries of the district change, the recall procedure and special election shall apply to the registered voters in the new district."; and in line 27 strike "fifty" and insert "thirty".

6. On page 7, line 1, after "held" insert "in that district"; in line 19 after "ballot" insert "or the election results in a tie"; in line 25 after "office" insert "unless a recount is ordered" and after the period insert:

"If the election results show a margin of votes equal to two per cent or less between the recall or retention of the officer in question, the Secretary of State, county clerk, or election commissioner shall order a recount of the votes cast in the recall election unless the officer named on the ballot files a written statement with the filing clerk that he or she does not want a recount.".

7. On page 8, line 10, strike "sections" and insert "section"; in line 23, strike "occured" and insert "occurred"; and in line 26, after "election" insert "for that office".

8. On page 9, line 1, after "election" insert "or resigns after the initiation of the recall process".

9. On page 10, in lines 1, 3, and 5, strike "sub- district" and insert "subdistrict"; and in line 5 strike "at- large" and insert "at large".

10. Strike original section 13.

11. On page 16, line 25, after "filling" insert "a".

12. On page 18, line 2, after "19-433," insert "and" and strike "and 32-4,152,".

13. Renumber the remaining sections accordingly.

(Signed) David Landis, Chairperson

SELECT FILE

LEGISLATIVE BILL 568. E & R amendments, AM5231, found in the Journal on page 626 for the Seventeenth Day were adopted.

Mr. Beutler offered the following amendment:
1) Strike Section 3 and Subsection (2) of Section 5
2) delete the word "vocational" in line 18, page 3
3) delete the phrase "to approved programs in public secondary schools" in lines 20 and 21, page 3
4) delete the phrase "with approved vocational education programs" in lines 26 and 27, page 3
5) add the following new language to Section 5:

> "Funds shall be distributed to schools on the basis of the number of students enrolled in such schools."

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beutler amendment lost with 8 ayes, 24 nays, 14 present and not voting, and 3 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Bob Krohn to the Advisory Committee to the Department of Economic Development.

Voting aye: Senators Beyer, Clark, Haberman, Labedz, Higgins, Remmers, and DeCamp. Voting nay: None. Absent: Senator Schmit.

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Roger Beverage, Director, Department of Banking and Finance.
Maxine Moul, Advisory Committee to Department of Economic Development.
Tom Emerton, Advisory Committee to Department of Economic Development.
James Stuart, Jr., Advisory Committee to Department of Economic Development.
Lynn Roper, Advisory Committee to Department of Economic Development.
Burnham Yates, Nebraska Investment Council.

Voting aye: Senators Beyer, Labedz, Higgins, Schmit, and DeCamp. Voting nay: None. Absent: Senators Clark, Haberman, and Remmers.

LEGISLATIVE BILL 919. Placed on General File.

LEGISLATIVE BILL 923. Placed on General File.

LEGISLATIVE BILL 704. Indefinitely postponed.
LEGISLATIVE BILL 777. Indefinitely postponed.
LEGISLATIVE BILL 810. Indefinitely postponed.
LEGISLATIVE BILL 868. Indefinitely postponed.
LEGISLATIVE BILL 894. Indefinitely postponed.
LEGISLATIVE BILL 901. Indefinitely postponed.
LEGISLATIVE BILL 907. Indefinitely postponed.
LEGISLATIVE BILL 1031. Indefinitely postponed.
LEGISLATIVE BILL 1052. Indefinitely postponed.
LEGISLATIVE BILL 1066. Indefinitely postponed.
LEGISLATIVE BILL 1068. Indefinitely postponed.
LEGISLATIVE BILL 1069. Indefinitely postponed.
LEGISLATIVE BILL 1077. Indefinitely postponed.

(Signed) John DeCamp, Chairperson

Revenue

LEGISLATIVE BILL 932. Placed on General File as amended.
Standing Committee amendment to LB 932:
AM1946

1. Strike original sections 4, 5, and 6.

2. On page 17, line 14, after "subdivision" insert ", except a village"; in line 18 after "subdivisions" insert ", except villages"; in line 19 after "subdivision" insert ", except a village,"; in line 21 strike "77-2105,"; in line 22 strike "77-27,119,"; and strike beginning with "and" in line 23 through "1982," in line 24.

LEGISLATIVE BILL 962. Placed on General File as amended.
Standing Committee amendments to LB 962:
AM1947

1. Strike original section 1.

2. On page 4, line 9, after "court" insert ". If such determination has not been received from the Internal Revenue Service or the federal court at the time of filing the return required in subdivision (1) of this section, a statement that the determination is unavailable shall be attached to the return and a true copy of the federal determination shall be filed with the Tax Commissioner within ten days of receipt of such determination by the personal representative"; in line 13 strike "As soon as practical" and insert "Within

thirty days"; and in line 14 after "return" insert "or the federal determination", strike "2" and insert "1", and after the underscored comma insert "whichever is later,".

3. On page 5, line 7, strike "2" and insert "1".

4. On page 8, line 24, strike "2 to 4" and insert "1 to 3".

5. On page 33, line 26, after "collect" insert "from the purchaser or the agent thereof".

6. On page 37, line 4, after "collect" insert "from the purchaser or the agent thereof".

7. On page 99, line 11, strike "19 and 40" and insert "18 and 39"; in line 13 strike "26" and insert "25"; and in line 24, strike "2-1208.01,".

8. Renumber the remaining sections accordingly.

(Signed) Calvin Carsten, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 258.

Introduced by DeCamp, 40th District; Landis, 46th District; H. Peterson, 35th District; Hannibal, 4th District; Nichol, 48th District; Wesely, 26th District; Morehead, 30th District; Pappas, 42nd District.

WHEREAS, drunk driving is a major cause of traffic deaths and injuries in the United States; and

WHEREAS, in 1982 the Presidential Commission on Drunk Driving recommended a uniform minimum age of 21 for purchasing alcohol in every state as one means of reducing drunk driving; and

WHEREAS, on February 7, 1984, the Eighty-eighth Legislature of Nebraska, Second Session, 1984, passed LB 56, raising Nebraska's minimum alcohol purchasing age to twenty-one, operative January 1, 1985; and

WHEREAS, the Public Policy Office of the National Council on Alcoholism has published statistics showing that a nonuniform minimum alcohol purchasing age among adjoining states increases alcohol-related traffic deaths and accidents due to young people driving to adjoining states to legally purchase alcohol; and

WHEREAS, the states of Iowa, Kansas, Colorado, South Dakota, and Wyoming allow persons younger than twenty-one years of age to purchase some form of alcoholic beverage; and

WHEREAS, lack of a uniform alcohol purchasing age of twenty-one among Nebraska and its adjoining states will lead to increased alcohol-related traffic deaths and accidents in Nebraska and its adjoining states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That it is vital that Nebraska and its adjoining states have a uniform minimum purchasing age for alcohol.

2. That the Legislature of Nebraska urges the states of Iowa, Kansas, Colorado, South Dakota, and Wyoming to increase the minimum purchasing age for alcohol to twenty-one years of age.

3. That a copy of this resolution be sent to the Legislatures of Iowa, Kansas, Colorado, South Dakota, and Wyoming.

Laid over.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 933. Placed on General File.
LEGISLATIVE BILL 934. Placed on General File.

(Signed) David Landis, Chairperson

URBAN AFFAIRS

LEGISLATIVE BILL 1010. Placed on General File as amended.
Standing Committee amendments to LB 1010:
AM1948

1. On page 1, line 7, strike "judgements" and insert "judgments".

2. On page 6, line 5, strike "the" and insert "any"; in line 11 strike "the" and insert "a"; in line 14 after "petitioner" insert "or chief petitioners"; and in line 20 after "petition" insert "with the city clerk for signature verification".

3. On page 7, line 7, strike "Chapter 25, article 21" and insert "section 25-21,149 to 25-21,164, as amended from time to time"; in line 10 strike "their" and insert "the municipality's"; in line 14 strike "dispositions" and insert "in disposition"; and in line 22 strike "provisions" and insert "rights and remedies".

4. On page 10, line 11, after "such" insert "measure".

5. On page 11, strike beginning with "the" in

line 9 through "precinct" in line 10 and insert "(identify polling place or precinct)"; and in line 17 after "propositions" insert an underscored comma.

6. On page 12, line 3, strike "for photocopying" and insert "in pamphlet form".

7. On page 14, line 16, after "date" insert "or the measure itself provides for a later effective date".

8. On page 16, strike lines 12 and 13 and insert "be subject to referendum or limited referendum for a period of one year after any such policy or project"; in line 14 strike "previously", and strike beginning with "or" in line 14 through "was" in line 15 and insert an underscored comma; in line 15 after "initiative" insert an underscored comma, and strike "has been".

9. On page 17, line 12, strike "subsection", show as stricken, and insert "subdivision", and after "(4)" insert "(c)"; in line 13 after "signatures" insert "as provided in section 18-2529 or 18-2530"; and in line 19 strike the second comma and show as stricken.

10. On page 20, line 10, after "referendum" insert ", including an override of any veto, if necessary,".

LEGISLATIVE BILL 1022. Indefinitely postponed.
LEGISLATIVE BILL 1023. Indefinitely postponed.

(Signed) Dave Newell, Chairperson

SPECIAL COMMONWEALTH

LEGISLATIVE BILL 1028. Placed on General File as amended.
Standing Committee amendments to LB 1028:
AM1974

1. Strike the original sections and insert the following new sections:

"Section 1. That section 81-8,2111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,211. Authority is hereby conferred upon the State Claims Board, acting on behalf of the State of Nebraska, ~~and with the advice and approval of the Attorney General,~~ to consider, ascertain, adjust, compromise, settle, determine, and allow any tort claim as defined in this act. If any tort claim is compromised, settled, or allowed in an amount of more than five thousand dollars, the unanimous approval of all members of the State Claims Board ~~and the Attorney General~~ shall be required, and such claims also shall be ~~approved~~ submitted for approval by the district court for Lancaster County. When approval of the district court is required, the Attorney General shall make application for such approval and shall file with the application a complete record of the action of the State Claims Board on such claim. The claimant may join in such application~~,~~ and if the claimant does so, the court may proceed to act on the application without further notice to either party. If the claimant does not join in the application, the court shall require actual notice to all parties before acting on the application. The court may deny the application for any legal and sufficient reason~~,~~ or may direct the State Claims Board to conduct further hearings on any material issues. The fees of the clerk of the district court for filing, docketing, and indexing such application shall be five dollars.

Sec. 2. That section 81-8,212, Revised Statutes Supplement, 1983, be amended to read as follows:

81-8,212. All tort claims under this act shall be filed with the Risk Manager of the State Claims Board. The Risk Manager shall immediately advise the Attorney General of the filing of any claim. It ~~, and it~~ shall be the duty of the Attorney General to cause a complete investigation to be made of all such claims and serve as a legal advisor to the State Claims Board on all such claims. In any suit brought under this act, service of process shall be made in the manner provided for service of a summons in a civil action.

Sec. 3. That section 81-8,224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,224. Any award to a claimant and any judgment in favor of a claimant under this act shall be certified by the ~~Attorney General~~ State Claims Board to the Director of Administrative Services, who shall promptly issue a ~~his~~ warrant for payment of such award or judgment out of the Tort Claims Fund, if sufficient money is available in such fund, except that ~~; Provided,~~ no portion in excess of fifty thousand dollars of any award or judgment shall be paid until such award or judgment has been reviewed by the Legislature and specific appropriation made therefor. Delivery of any warrant in satisfaction of an award or judgment shall be made only upon receipt of a written release by the claimant in a form approved by the ~~Attorney General~~ State Claims Board.

Sec. 4. That original sections 81-8,211 and 81-8,224, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,212, Revised Statutes Supplement, 1983, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Vard Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 249 in the Journal. No objections. So ordered.

AM1848

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 48-649, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-649. The commissioner shall, for each calendar year, determine the contribution rate applicable to each employer on the basis of his or her actual experience in the payment of contributions and with respect to benefits charged against his or her separate experience account, in accordance with the following requirements:

(1) An employer's rate for calendar years prior to 1985 shall be two and seven-tenths per cent of his or her annual payroll and for calendar years beginning 1985 shall be three and five-tenths per cent of his or her annual payroll unless and until (a) benefits have been payable from and chargeable to his or her experience account throughout the preceding one calendar year, and (b) contributions have been payable to the fund and credited to his or her experience account with respect to the two preceding calendar

years. Subject to fair and reasonable general rules of the commissioner issued with due regard for the solvency of the fund, the contribution rate required of each employer who meets the requirements of subdivisions (a) and (b) of this subdivision ~~this subsection~~ shall be based directly on his or her contributions to and benefit experience of his or her experience account and shall be determined by the commissioner for each calendar year at its beginning. ~~; PROVIDED, that in no event shall such rate be increased beyond~~ Such rate for calendar years prior to 1985 shall not be greater than two and seven-tenths per cent of his or her annual payroll and for calendar years beginning 1985 shall not be greater than three and five- tenths per cent of his or her annual payroll if his or her experience account exhibits a positive balance as of the beginning of such calendar year, but ~~commencing January 1, 1976,~~ for any employer who has been subject to the payment of contributions for the two preceding calendar years and whose experience account exhibits a negative balance as of the beginning of such calendar year, the rate for calendar years prior to 1985 shall be three and seven-tenths per cent of his or her annual payroll and for calendar years beginning 1985 shall be greater than three and five- tenths per cent of his or her annual payroll but not greater than five and four- tenths per cent of his or her annual payroll until such time as the experience account exhibits a positive balance, and thereafter the rate for calendar years prior to 1985 shall not be greater than two and seven-tenths per cent of his or her annual payroll and for calendar years beginning 1985 shall not be greater than three and five- tenths per cent of his or her annual payroll. For calendar years beginning 1985, the standard rate shall be five and four- tenths per cent of the employer's annual payroll. As used in this subdivision, standard rate shall mean the rate from which all reduced rates are calculated;

(2) Any employer may at any time make voluntary contributions, additional to the required contributions, to the fund to be credited to his or her account;

(3) As used in sections 48-648 to 48-654, the term payroll shall mean the total amount of wages during a calendar year, except as otherwise provided in section

48-654, by which contributions were measured; and

(4)(a) The state or any of its instrumentalities shall not be required to pay contributions on wages paid for services rendered in employment for the state or its instrumentalities prior to January 1, 1978, but the state or any of its instrumentalities shall make payments in lieu of contributions in an amount equal to the full amount of regular benefits plus one half of the amount of extended benefits paid during each calendar quarter that is attributable to service in employment of the state or any of its instrumentalities. The commissioner after the end of each calendar quarter shall notify any state instrumentality or other public employer of the amount of regular benefits and one half the amount of extended benefits paid that are attributable to service in its employment and the instrumentality or public employer so notified shall reimburse the fund within thirty days after receipt of such notice; (b) after December 31, 1977, the state or any of its political subdivisions and any instrumentality of one or more of the foregoing or any other governmental entity for which services in employment as is provided by section 48-604, subdivision (4)(a), is performed, shall be required to pay contributions on wages paid for services rendered in its or their employment on the same basis as any other employer who is liable for the payment of contributions under the provisions of sections 48-601 to 48-669, unless the state or any political subdivision thereof and any instrumentality of one or more of the foregoing or any other governmental entity for which such services are performed files with the commissioner its written election not later than January 31, 1978, or if such employer becomes subject to the provisions of this section after January 1, 1978, not later than thirty days after such subjectivity begins, to become liable to make payments in lieu of contributions in an amount equal to the full amount of regular benefits plus one half of the amount of extended benefits paid during each calendar quarter that is attributable to service in employment of such electing employer prior to December 31, 1978, and in an amount equal to the full amount of regular benefits plus the full amount of extended benefits paid during each calendar quarter that is attributable to service in employment of such electing employer after January 1, 1979. The commissioner, after the end of each calendar quarter, shall notify any such employer that has so elected of the amount of benefits for which it is liable to pay pursuant to its election that have been paid that are attributable to service in its employment and the employer so notified shall reimburse the fund within thirty days after receipt of such notice; (c) any employer which makes an election in accordance with subdivision (b) to become liable for payments in lieu of contributions shall continue to be liable for payments in lieu of contributions for all benefits paid based upon wages paid for service in employment of such employer while such election is effective and such election shall continue until such employer files with the commissioner, not later than December 1 of any calendar year, a written notice terminating its election as of December 31 of that year and thereafter such employer shall again be liable for the payment of contributions and for the reimbursement of such benefits as may be paid based upon wages paid for services in employment of such employer while such election was effective.

Sec. 2. That original section 48-649, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 234CA. Placed on General File as amended.
Standing Committee amendments to LR 234CA:
AM1865

1. On page 1, line 16, after "village" insert "and is not occupied by the owner or members of the owner's immediate family at the time of the sale".

2. On page 2, line 1, after "village" insert "or is occupied by the owner or members of the owner's immediate family at the time of the sale".

(Signed) Bernice Labedz, Chairperson

SELECT FILE

LEGISLATIVE BILL 568. Considered.

Advanced to E & R for Engrossment with 30 ayes, 5 nays, 12 present

and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 568A. E & R amendment, AM5232, found in the Journal on page 627 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 928. Title read. Considered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM1696, found in the Journal on page 527. No objections. So ordered.

Standing Committee amendments AM1885, printed separate from the Journal and referred to on page 826 for the Twenty-Second Day were considered.

Messrs. DeCamp and H. Peterson renewed the pending DeCamp amendment, AM1931, found in the Journal on page 833.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Miss Kilgarin moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud	Barrett	Chronister	Clark	DeCamp
Fenger	Goll	Hefner	Hoagland	Kahle
Labedz	Lamb	Landis	Pappas	Peterson, H.
Pirsch	Remmers	Schmit	Sieck	Von Minden

Voting in the negative, 26:

Beutler	Carsten	Chambers	Eret	Goodrich

Hannibal Harris Higgins Jacobson Johnson, L.
Johnson, V. Kilgarin Lundy Marsh McDonald
Morehead Newell Nichol Peterson, R. Rupp
Scofield Vickers Wagner Warner Wesely
Withem

Excused and not voting, 3:

Beyer Haberman Johnson, R.

The DeCamp amendment lost with 20 ayes, 26 nays, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 899. Placed on Select File as amended.
E & R amendments to LB 899:
AM5251

1. On page 1, line 6, after the semicolon insert "to provide penalties; to allow for an extension of time;"; and in line 7 after the semicolon insert "to eliminate a provision relating to extension of time;".

2. In the Special Committee amendments, AM1862, which were adopted February 8, 1984:

a. On page 1, line 9, after "shall" and after "operations" insert underscored commas; and in line 10 strike "this subsection" and insert "subdivision (1)(a) of this section or, upon commencing its operations, comply with subdivision (1)(c) of this section";

b. On page 2, line 1, strike "SHARES" and insert "SHARE";

c. On page 3, line 1, after "or" and after "operations" insert underscored commas; and in line 7 strike the comma and insert "and";

d. On page 4, strike beginning with "the" in line 14 through "comma" in line 15 and insert " 'shall' "; in line 16 after "(b)" insert ", after a charter is issued and upon commencing its operations,"; and in line 24 strike the first comma and insert "and";

e. On page 6, line 8, strike "prior to" and insert "upon"; in line 9 strike "this subsection" and insert "subdivision (1)(e) of this section"; in line 13 strike the first comma and insert "and" and after "of" insert "shares,"; in line 19 after the first comma insert "share,"; and in line 24 after the first comma insert “SHARE,”;

f. On page 7, line 1, after the comma insert “SHARES,”; in line 20 after “or” and after “operations” insert underscored commas; in line 25 strike the comma and insert “and”; and in line 26 after the first “of” insert “shares,”; and

g. On page 8, line 5, after the last comma insert “share,”; in line 11 after the first comma insert “SHARE,”; and in line 14 after the comma insert “SHARES,”.

3. In lieu of the DeCamp amendment 1 which was adopted February 8, 1984, insert the following new section:

“Sec. 6. If within six months, or in the case of a cooperative credit association one year, of the effective date of this act any financial institution which is required to obtain federal insurance coverage of its deposits, shares, savings, or certificates of indebtedness as specified in section 1 of this act or section 8-407.03, 8-702, 21-1320.01, or 21-17,120.02 has an application for such coverage pending, the date for coverage required by the appropriate section shall be extended until the federal insurance agency or corporation has rendered a final decision on the application.”.

LEGISLATIVE BILL 1039. Placed on Select File as amended.
E & R amendments to LB 1039:
AM5252

1. On page 1, line 1, strike “banks and”, after “banking” insert “and finance”, and after “provide” insert “powers and”; in line 3 after “of” insert “certain” and strike “relating to”; in line 4 strike “banks and banking”; and in line 6 after the semicolon insert “to provide duties for the Attorney General and county attorneys; to provide penalties;”.

2. On page 3, line 27; page 4, line 1; and page 5, in lines 1 and 4, strike the comma.

3. In the Special Committee amendments, AM1880, adopted February 8, 1984, on page 1, strike beginning with “as” in line 7 through “section” in line 8.

4. In the Labedz and V. Johnson amendment, AM1902, adopted February 8, 1984, on page 1, line 1, strike “4” and insert “3”; and in lines 1 and 2 strike

"Finance" and insert "issued".

LEGISLATIVE BILL 348. Placed on Select File as amended.
E & R amendment to LB 348:
AM5254

1. In the Standing Committee amendments, AM0602, adopted February 9, 1984, on page 1, line 2, strike "one- half" and insert "one half".

LEGISLATIVE BILL 969. Placed on Select File.

LEGISLATIVE BILL 773. Placed on Select File as amended.
E & R amendments to LB 733:
AM5253

1. On page 3, line 13, strike "for" and insert "with"; in line 14 strike the comma and show as stricken; in line 16 strike "whom", show as stricken, and insert "which"; in line 24 strike the comma and show as stricken and after "or" insert an underscored comma; and in line 27 strike the comma and show as stricken.

2. On page 4, line 11, strike the second "his or her", show "his" as stricken, and insert "the".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Miss Kilgarin and Mr. Beutler asked unanimous consent to print the following amendment to LB 13 in the Journal. No objections. So ordered.

AM1943

1. On page 3, line 8, strike "county judge", show as stricken, and insert "judge of the county court".

2. On page 7, after line 13 insert a new subsection as follows:

"(3) Judge of the county court shall include any person appointed to the office of county judge or municipal judge prior to July 1, 1985, pursuant to Article 5, section 21 of the Nebraska Constitution.".

3. On page 10, line 13, after the period insert "The waiting period for medical insurance coverage of transferred employees is specifically waived.".

4. Insert a new section as follows:

"Sec. 17. That section 24-533, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-533. Any city or village attorney~~, except of a city of the metropolitan or primary class,~~ may sign and prosecute complaints in the county court for any violation of any ordinance of the city or village for which he or she is attorney.

After January 1, 1974, no city or village may prosecute complaints for violations of ordinances unless such city or village has on file with the court a current copy of the ordinances of such city or village. Subject to guidelines provided by the State Court Administrator, the court shall prescribe the form in which such ordinances shall be filed.".

5. On page 18, line 5, after the period insert "The same right of appeal exists in those cases in which a final judgment or final order was entered by a municipal court prior to July 1, 1985.".

6. On page 22, line 27, after the period insert "In those cases in which the order or judgment appealed from was entered by a municipal court prior to July 1, 1985, the action of the district court shall be certified by the clerk to the clerk of the county court in the district in which the municipal court was located.".

7. On page 24, line 17, after "county" insert "court", and reinstate the stricken matter and after "court" insert "prior to July 1, 1985"; and in line 20 after "county" insert "court", and reinstate the stricken matter and after the first "court" insert "when entered prior to July 1, 1985".

8. On page 25, line 7, reinstate the stricken matter, after "county" insert "court", and after the reinstated "or" insert "judgment of the" and after "court" insert "if entered prior to July 1, 1985"; in lines 10, 13, and 15 reinstate the stricken matter and after the reinstated "or" insert "such".

9. On page 26, line 2, after "court" insert "or municipal court if entered prior to July 1, 1985".

10. On page 40, line 16, strike "county judge", show as stricken, and insert "judge of the county court".

11. On page 49, line 7, after "given" insert ", except that any full- time constable serving on the

effective date of this act need not be reappointed but shall continue to serve unless removed or otherwise terminated for cause".

12. On page 50, line 26, strike "county judge", show as stricken, and insert "judge of the county court".

13. On page 51, line 5, strike "county" and show as stricken; and in line 6 after "judge" insert "of the county court".

14. On page 52, line 22, strike "District judges, county judges", show as stricken, and insert "Judges of the district court, judges of the county court".

15. On page 53, line 3, after "court" insert "or municipal court if entered prior to July 1, 1985".

16. On page 54, line 18, after "court" insert "or municipal court if the judgment was entered prior to July 1, 1985,".

17. On page 56, line 2, strike "county" and show as stricken; in line 3 after "judge" insert "of the county court"; and in line 14 strike "county court", show as stricken, and after "judges" insert "of the county court".

18. On page 57, line 2, strike "county court" and show as stricken; and in line 3 after "judges" insert "of the county court".

19. On page 59, line 22, strike the first "county", show as stricken, and after the first "judge" insert "of the county court".

20. On page 60, line 2, strike "61 and 66" and insert "62 and 67".

21. On page 61, line 11, after the period insert "On July 1, 1985, the office facilities of the municipal court probation departments shall be transferred, by sale, lease, or other arrangement, from cities of the metropolitan or primary class to the State of Nebraska. Subject to any sale, lease, or other arrangement pursuant to this section, all other property, equipment, books, and records of the probation departments of the municipal courts shall be transferred on July 1, 1985, to the Office of the Probation Administration of the State of Nebraska."; and in line 27 strike "61 and 62" and insert "62 and 63".

22. On page 71, line 22, strike "county", show as stricken, and after "judge" insert "of the

county court".

23. Strike original section 79.

24. On page 82, line 27, strike "61, and 62" and insert "62, and 63".

25. On page 83, line 19, strike the second "county", show as stricken, and after "judge" insert "of the county court".

26. On page 85, line 25, strike "district county", show as stricken, and after "judge" insert "of the county court".

27. On page 92, line 4, strike "60, 61, 66, 67, 68" and insert "61, 62, 67, 68, 69"; and in line 20 after "24-526," insert "24-533,".

28. On page 93, line 11, strike "and" and after "29-2219," insert "and 43-2,124,".

29. In the Kilgarin-Beutler amendment, AM1586:

a. On page 1, line 9, strike beginning with "continue" through "office" and insert "be a judge of the county court";

b. On page 2, line 9, after "judge" insert "of the county court";

c. On page 3, line 2, strike the underscored matter and insert "law"; and

d. On page 5, line 25, strike "serving in" and insert "of the".

30. In the E & R amendments:

a. On page 6, line 25, strike "and";

b. On page 7, line 3, strike the semicolon and insert an underscored comma; in line 4 reinstate the stricken matter beginning with "(f)" through "by"; in line 5 reinstate beginning with "Chapter" through "who", after the reinstated "who" insert "served"; reinstate the stricken matter beginning with "in" in line 5 through the semicolon in line 6, and after the reinstated "1967" in line 6 insert ", and prior to July 1, 1985, and (g) judges of the county court"; in lines 13 and 14 strike the new matter and reinstate the stricken matter; in line 23 strike "serve", show as stricken, and insert "have served"; in line 25 after the last comma insert "and prior to July 1, 1985,"; and in line 26 strike "and", show as stricken, strike "district county", show as stricken, and after the first "judge" insert "of the county court";

c. On page 8, line 14, after the second comma insert "and prior to July 1, 1985,"; in line 16 strike "district" and show as stricken; and in line 17 strike the first "county judge", show as stricken, and insert "judge of the county court";

d. On page 11, line 16, strike "county judge", show as stricken, and insert "judge of the county court"; and

e. On page 16, line 6, strike "(3)" and insert "(4)".

31. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 760. Placed on General File.
LEGISLATIVE BILL 1032. Placed on General File.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1028 in the Journal. No objections. So ordered.

AM1990
(Amendments to the Standing Committee Amendments)

1. On page 1, line 11, after the period insert "Any settlement or compromise made under the State Tort Claims Act may include the transfer of property, either tangible or intangible, to the State of Nebraska.".

2. Insert the following new sections:

"Section 1. The Nebraska Investment Council may hold, invest, liquidate, sell, lease, administer, or operate for the benefit of the State of Nebraska any property, either tangible or intangible, received by the state as the result of a settlement or adjudication of any lawsuit or other claim if such property cannot be promptly liquidated without substantial loss or injury to the state or to the locality where the property, if unmovable, is located as determined by the Nebraska Investment Council. This section shall not apply to property in a form which may be readily deposited in the General Fund or other appropriate fund.

Sec. 2. That section 72-1241, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

72-1241. (1) The state investment officer shall devote his or her entire time and attention to the duties of his or her office. He or she shall not engage in any other occupation or profession or hold any other public office, appointive or elective. If for any reason the state investment officer is unable to perform the duties of his or her office~~,~~ or the office is vacant due to death, resignation, or otherwise, the council shall designate an acting state investment officer to serve until the state investment officer is able to act or the vacancy is filled. With the approval of the council, the state investment officer may designate a deputy to perform such acts and duties as the state investment officer shall authorize, subject to the same restrictions as apply to the state investment officer. The deputy shall be bonded under the blanket surety bond required by section 11-201. The state investment officer shall be responsible for all official acts of his or her deputy.

(2) In addition to any deputy appointed pursuant to subsection (1) of this section, the Nebraska Investment Council shall, if any property is received pursuant to section 1 of this act, appoint a deputy state investment officer who shall be responsible to the council for the investment, sale, and administration of the property. Such deputy shall be bonded under the blanket surety bond required by section 11-201.".

3. On page 3, line 15, after "sections" insert "72-1241," and after "81-8,211" insert a comma.

4. Renumber sections 1 to 5 as sections 3 to 7 respectively.

ATTORNEY GENERAL'S OPINION

Opinion No. 191
February 10, 1984

Dear Senator Vickers:

This is in reply to several questions you have asked which pertain to The Report of the Governor's Christian School Issue Panel, January 26, 1984, and LB 928 of the Eighty-Eighth Legislature, Second Session (1984).

I. If, under The Report of the Governor's Christian School Issue Panel, the student testing model is used and there are ten students in a school who, as a whole, test below comparable state (or national averages), will the free exercise of religion rights of those parents whose children have scored above the applicable norm be lost because of an event beyond their control (the below average testing of the remainder of the children at such school)? If so, are there any less restrictive testing enforcement procedures which would meet the state's interest?

If we understand the first part of this question correctly, you ask if the Legislature were to pass legislation pertaining to church-related private schools and provided therein student testing as an alternative to curriculum, teacher certification and related item requirements, could that legislation also mandate that in the event a state percentage of students who attend such a school fail to pass such a test the church-related private school shall be dissolved or otherwise cease all operations? Yes, in our opinion, the legislation could so mandate. Implicit in our response is the assumption that the test and the percentage of students who must pass the test are constitutional.

In the second part of this question you ask if there are any less restrictive testing enforcement procedures which would meet the state's interest. Yes. The current Nebraska laws and regulations which merely require nonpublic schools to teach certain basic subjects for a specified minimum number of days using certified teachers who select the tests to be given the students appears to be considerably less restrictive.

II. If, under The Report of the Governor's Christian School Panel, there is an only student in a home school and such student happens to have certain learning disabilities which prevent the student from achieving at the state (or national) average, then are the parents of such student, ipso facto, prevented in exercising their religious freedom rights in the education of their child?

We can not answer this question. In order to do so we would need to know the definition of the term "learning disabilities" and whether children with such disabilities would be exempt from the compulsory attendance law. We would also need to know whether the legislation pertaining thereto mandates that children with learning disabilities must achieve at least within the same range on the same test as non-handicapped children. Finally, we would need to know the link, if any, between the religious beliefs of the child's parents and the home school.

III. Nebraska does not recognize one standardized achievement test but does use a criterion referenced basic learning skills tests known as N-ABEL's for purposes of accreditation of schools. Apparently, The Report of the Governor's Christian School Panel refers to a state or nationally standardized test. Since no state norms will exist for comparison purposes, does the fact that national norms may be used raise any Constitutional questions of equal protection?

The fact that national norms may be used does not necessarily raise constitutional questions of equal protection. However, whether a national norm would be satisfactory in a constitutional sense would depend on analysis of a number of factors, including the educational policies of the other forty-nine states. For example, if in some States children may enter school before reaching the age of five, the reading and vocabulary norms for nine-year olds may be relatively high, because these children may have had more schooling than nine-year olds in other States who could not enter school under the age of six. Hence if most states permitted children to enter school before reaching the age of five, the national norm in certain tests could be high in comparison with states where children could not enter school under the age of five. Finally, any norm, including a national norm, could be based on grossly unequal and artificial units of measurement. That, of course, could only be determined factually.

IV. As to LB 928's teacher testing provisions, does the fact that teacher testing is not used universally present any Constitutional questions? LB 928 also requires, in section 11, testing of all prospective teachers in their subject matter areas, prior to certification. Does this requirement diminish the argument that teacher testing, as an alternative to certification of teachers employed in church-related private schools is discriminatory?

Teacher testing per se, in our opinion, does not present a constitutional question. Consequently, it is unnecessary to answer the second part of this question.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:be
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 459. Indefinitely postponed.
LEGISLATIVE BILL 518. Indefinitely postponed.
LEGISLATIVE BILL 544. Indefinitely postponed.

(Signed) David Landis, Chairperson

Appropriations

LEGISLATIVE BILL 772. Placed on General File as amended.
Standing Committee amendments to LB 772:
AM1982

1. On page 2, in lines 2, 9, 15, 24, and 25 strike "January" and insert "March"; in lines 6 and 11 strike "five" and insert "three"; and in line 12 strike "December 31, 1983" and insert "February 29, 1984".

2. On page 3, in lines 3, 5, 8, 10, and 25 strike "January" and insert "March"; and in lines 4 and 25 strike "five" and insert "three".

(Signed) Jerome Warner, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 259.

Introduced by R. Peterson, 21st District; Fenger, 45th District.

WHEREAS, Louise B. Beyer, a resident of Omaha, was a loving wife and mother; and

WHEREAS, at age 74, Mrs. Beyer departed from this life; and

WHEREAS, services for Mrs. Beyer will be held Monday February 13, 1984, in Omaha.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature express their sympathy to the family of Louise B. Beyer.

2. That a copy of this resolution be presented to her son, Senator Emil Beyer on behalf of the Beyer family as an expression of regret for his mother's passing.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendment to LB 416 in the Journal. No objections. So ordered.

AM1995

(Final Reading Copy)

1. On page 8, line 13, strike the second "and"; and in line 17 after "department" insert "; and (d) has been approved by the nursing home administrator and the department to administer oral and external

medication.".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1028 in the Journal. No objections. So ordered.

AM1985
(Amendments to Standing Committee amendments)

1. Insert the following new section:

"Sec. 4. That section 81-8,239, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,239. After investigation, the State Claims Board shall either approve, approve with conditions or limitations, or disapprove of each claim or request~~,~~ and append to the claim or request a concise statement of the facts brought out in such investigation upon which its approval or disapproval is based. Such claim or request, together with the original papers supporting it and the appended statement, shall be filed in the office of the Risk Manager~~,~~ and delivered to the chairperson of the appropriate committee of the next Legislature convening after the filing of the claim or request. The ~~; Provided, the~~ Risk Manager may direct the payment by the state agency involved of any claim approved by it not in excess of two thousand dollars when such payment is agreed to by the head of the agency involved. If claims approved by the State Claims Board arise out of the same or similar facts and circumstances, they shall be aggregated. If the aggregate amount exceeds two thousand dollars, such claims shall be reviewed by the Legislature and an appropriation made therefor, if appropriate.".

2. On page 3, line 10, after the period insert "All awards and judgments which arise out of the same or similar facts and circumstances shall be aggregated for the purpose of determining whether such awards and judgments shall be reviewed by the Legislature and specific appropriation made therefor."; in line 15 strike "and" and insert a comma; and in line 16 after "81-8,224," insert "and 81-8,239,".

3. Renumber remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 801A. By Barrett, 39th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 801, Eighty-eighth Legislature, Second Session, 1984.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Legislative Bill 1126 and the following Governor appointments.

LB	**Committee**
1126	Appropriations

Public Works
G. Peter Burger

Agriculture and Environment
Carla Knapp

Education
David A. Domina

Miscellaneous Subjects
John P. Miller

Constitutional Revision and Recreation
Stan Juelfs

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 657. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

AM1941

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The State of Nebraska has a compelling interest in the education of all children in the state. Because of this interest, the state clearly has an obligation to establish reasonable and effective educational standards for all educational efforts. At the same time many parents who are ultimately responsible for their children and have the responsibility of overseeing their children's education, including overseeing their children's religious, spiritual, and moral education, believe that such education should be provided by a weekday church educational ministry or a parochial school which reflects their religious beliefs. The parents also believe that such a ministry or school should in no way be controlled by the state. It is the purpose of sections 1 to 4 of this act to achieve an appropriate balance between the state's obligation to assure that all children receive a quality education and the parents' rights to the free exercise of religion guaranteed by the First Amendment of the Constitution of the United States.

Sec. 2. (1) A weekday church educational ministry or a parochial school shall be exempt from the accreditation, approval, and certification requirements prescribed by the laws of this state and the rules and regulations adopted and promulgated by the State Department of Education if all parents or legal guardians of children attending such a ministry or school elect to have a nationally recognized standardized achievement test of basic skills administered each year to their children. In addition, all such parents shall annually make a written representation to the department containing the following information:

(a) That the parent or legal guardian's religious beliefs mandate that his or her child attend such ministry or school;

(b) That the parent or legal guardian agrees to have a nationally recognized standardized achievement test of basic skills administered to his or her child each year;

(c) That the child is in fact regularly attending school;

(d) That the child is receiving a structured program of education which satisfactorily covers all basic skills areas of study included in state curriculum standards;

(e) The number of instructional hours which are offered annually by the ministry or school equal or exceed the number of instructional hours offered by Nebraska's public schools; and

(f) That such ministry or school is conducted with physical facilities and instructional equipment and materials comparable to state standards or of such character as to provide a suitable educational environment.

In addition to the information required in this subsection, the representation shall include an acknowledgment by the parent or legal guardian that the parent or legal guardian knows that the ministry or school is not approved by the state and that he or she will not hold the state responsible for the education of his or her child.

The evidentiary requirements prescribed in this subsection may be met by reference to documents previously received by the superintendent so long as those documents continue to reflect current practice at the ministry or school.

(2) If any parent or guardian refuses to furnish the written representation required in subsection (1) of this section or if such representation contains false or inaccurate information, such parent or guardian shall be deemed in violation of section 79- 201.

Sec. 3. All children attending a weekday church educational ministry or a parochial school described in section 2 of this act shall be required to annually take a nationally recognized standardized achievement test of basic skills recognized by the State Department of Education and educators generally and designed to measure the children's competency levels in the basic areas of study included in state curriculum standards. The test shall be chosen by the State Department of Education and the scores evaluated under the supervision of the county superintendent of the school district in which the ministry or school is located. The average test scores in each content area and at each grade level of all children enrolled in the ministry or school shall be at least equal to such average test scores of students on the same or comparable tests in Nebraska public schools. If no

Nebraska test scores are available, national average test scores shall be used. If the required average test scores are not achieved, the parents of the children attending such ministry or school shall be deemed in violation of section 79-201. At the option of the parent or legal guardian, test results for physically or mentally handicapped children, as defined in subdivisions (3) to (9) of section 43-604, shall not be included in determining either (1) the group performance results of a ministry or school or (2) the scores used for comparison purposes.

Sec. 4. Notwithstanding the provisions of sections 1 to 3 of this act, any weekday educational ministry or parochial school described in section 2 of this act shall be subject to health, safety, and fire regulations prescribed by the laws of this state and the rules and regulations adopted and promulgated by the State Department of Education.

Sec. 5. That section 79-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-201. ~~Every~~ Except as provided in sections 2 and 3 of this act, every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child, not less than seven nor more than sixteen years of age, shall cause such child to attend regularly the public, private, denominational, or parochial day schools each day that such schools are open and in session except when excused by school authorities, unless such child has been graduated from high school. The term shall not be less than one hundred seventy-five days in any district, except that in the event of the failure of any district which receives twenty per cent or more of its total receipts for general fund purposes from federal sources~~,~~ to actually receive receipts anticipated at the time of the adoption of the school budget from taxes, state funds, federal funds, tuition, or other sources, the board of education of such district may, at any time during the school year, elect to close all or part of its schools.

Sec. 6. That section 79-1229, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1229. All persons, except those employed in schools described in section 2 of this act, holding the official title of (1) superintendent of schools, (2) principal or supervisor of an accredited school, or (3) supervisor of any special subjects or subject in which such persons actually supervise the work of other teachers in that subject or those subjects~~,~~ shall hold either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate.

Sec. 7. That section 79-1233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1233. (1) Except for those persons employed in schools described in section 2 of this act, no ~~No~~ person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except that no Nebraska certificate or permit shall be required of persons teaching exclusively in junior colleges organized as part of the public school system.

(2) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature, if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

Sec. 8. That section 79-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1701. ~~All~~ Except as provided in section 2 of this act, all private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils. All private, denominational, and parochial schools shall have adequate equipment and supplies~~,~~ and shall be graded the same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

Sec. 9. That section 79-1705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1705. The county superintendent in first-class school districts, or the superintendent of schools in all other districts, where any private, denominational, or parochial school not otherwise inspected by an area or diocesan representative holding either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate is located~~,~~ shall inspect such schools, except for any schools described in section 2 of this act, and report to the proper officers any evidence of failure to observe any of the provisions of sections 79-1701 to 79-1707. The ~~; PROVIDED, that the~~ Commissioner of Education, when in his or her judgment it is deemed advisable, may appoint a public school official other than the above, including a member of the State Department of Education, for such inspections. Such appointee shall hold either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate. The State Board of Education shall require the several county superintendents and superintendents of schools and appointed public school officials to make such inspections at least twice a year, and the school officers of such schools and the teachers giving instruction therein are required to permit such inspection and assist and cooperate in the making of the same.

Sec. 10. This act shall terminate on July 1, 1986.

Sec. 11. That original sections 79-201, 79-1229, 79-1233, 79-1701, and 79-1705, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

VISITORS

Visitors to the Chamber were 17 college students and Professor from

Chadron State College; ten 9th graders and teacher from Irving Jr. High, Lincoln; students, parents, guests, and sponsor from Chadron Christian Schools; guests from Trinity Baptist Church, Omaha; 53 members and sponsor from Millard School, Omaha; 23 students from Park West Christian Schools, Lincoln; 10 students and sponsors from Doniphan High School, Doniphan; Martin Peterson, Alliance; 15 students and sponsors from Concordia College, Seward; Mrs. Ray Harwood and Mrs. Leo Taylor of Omaha.

ADJOURNMENT

At 12:15 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Tuesday, February 14, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 14, 1984

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 14, 1984

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Mrs. Major Dale Tollerud, Co-Commander, Salvation Army, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chronister, V. Johnson, McDonald, Remmers, Rupp, and Mrs. Pirsch who were excused; and Messrs. Abboud, Beyer, Chambers, Goodrich, Hannibal, Newell, Schmit, Warner, Mrs. Morehead, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Sixth Day was approved.

MESSAGES FROM THE GOVERNOR

February 8, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Board of Health requiring legislative confirmation:

Appointee: Larry B. Bartels, Physical Therapist, 401 Sycamore Drive, Lincoln, NE 68510, 489-5003 (h) 489-1045 (o) Term: 2/8/84 - 9/14/86, Succeeds: George F. Sullivan, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 8, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Board of Health requiring legislative confirmation:

Appointee: Arlene Rhodes, layperson, 1325 North 33rd Street, Omaha, NE 68131, 556-1955 Term: 2/8/84 - 9/14/86, Succeeds: Phyliss Smith, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 8, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Board of Health requiring legislative confirmation:

Appointee: Lynn A. Roper, layperson, 3227 South 29th Street, Lincoln, NE 68502, 483-8060 (h) 473-1831 (o), Term: 2/8/84 - 9/14/86, Succeeds: Julian Hopkins, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 8, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Board of Health requiring legislative confirmation:

Appointee: Dr. Peter R. Kongstvedt, Physician, 2565 Stockwell, Lincoln, NE 68502, 471-2750 (h) 475-7000 (o), Term: 2/8/84 - 9/14/86, Succeeds: Dr. Warren Bosley, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 8, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Board of Health requiring legislative confirmation:

Appointee: James W. Kenney, Hospital Administrator, 922 North Kansas, Hastings, NE 68901, (402) 462-6542 (h) (402) 463-4521 x110 (o), Term: 2/8/84 - 9/14/86, Succeeds: John Eastabrook, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 8, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Board of Health requiring legislative confirmation:

Appointee: Dr. Graig B. Nelson, Chiropractor, 14770 California, Omaha, NE 68154, 493-2629 (h) 334-1200 (o), Term: 2/8/84 - 9/14/86, Succeeds: Dr. David Kats, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 8, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Personnel Board requiring legislative confirmation:

Appointee: Lovie D. Broadus, 3511 Allendale Drive, Lincoln, NE 68516, 483-4064 (h) 472-4321 (o), Term: 2/8/84 - 8/4/86, Succeeds: Bruce Peters, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 697. Placed on Select File as amended.
E & R amendments to LB 697:
AM5255

1. On page 1, line 1, strike "operator's" and insert "operators' "; in line 3 strike "appeal" and insert "a bond requirement"; and in line 4 strike "procedures".

2. On page 2, line 4, strike "his or", show "his" as stricken, and insert "a"; in line 5 strike "her"; in line 6 strike "therefrom" and show as stricken; in line 9 strike "wherein", show as stricken, and insert "in which", strike the comma and show as stricken, after "in" insert "the following", and after "manner" insert an underscored colon; in line 10 strike "following:" and show as stricken and strike "his or her", show "his" as stricken, and insert "the"; in line 11 strike "of the same" and show as stricken; in line 12 strike "shall" and "thereof" and show both as stricken; and in line 26 strike "ckeck" and insert "check".

3. On page 3, line 8, reinstate "~~such~~"; in line 10 strike the comma and show as stricken; and in line 14 strike the first "and" and the comma and show both as stricken.

LEGISLATIVE BILL 811. Placed on Select File as amended.
E & R amendments to LB 811:
AM5256

1. On page 1, line 1, strike "vehicle operators" and insert "vehicles"; in line 10 strike "obsolete sections" and insert "a provision"; and in line 12 strike "provisions" and insert "a provision".

2. On page 3, line 27, strike "shall have", show as stricken, and insert "has".

3. On page 5, line 4, after "special," insert "and", after "learners' " insert "permits", reinstate the stricken comma, and strike "and"; in line 5 after "temporary" insert "licenses and"; and in line 9 after "section" insert an underscored comma.

4. On page 8, line 5, after "and" insert an underscored comma and strike the comma and show as stricken.

5. On page 10, line 15; and page 12, line 3, strike "and", show as stricken, and insert "or".

6. On page 11, line 17, strike "shall violate", show as stricken, and insert "violates".

7. On page 12, line 4, strike "shall have", show as stricken, and insert "has".

8. On page 17, line 19, after "license" insert an underscored comma.

9. On page 18, line 20, after "period" insert an underscored comma.

10. For purposes of correlation with section 1, LB 636:

a. On page 1, line 15, strike the first comma and insert "and" and strike the second "and"; and in line 16 strike "60-406.07,"; and

b. On page 19, line 1, strike the last comma and insert "and"; and in line 2 strike "and 60-406.07,".

11. For purposes of correlation with section 1, LB 710:

a. On page 1, line 3, strike "and"; in line 4 strike "60-407,"; and in line 5 after "1982" insert ", and section 60-407, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 710, Eighty-eighth Legislature, Second Session, 1984";

b. On page 7, line 5, after the second comma insert "as amended by section 1, Legislative Bill 710, Eighty-eighth Legislature, Second Session, 1984,";

c. On page 8, line 4, strike the stricken comma; and in line 16 strike the comma;

d. On page 9, in lines 1 and 2, remove the underscoring and strike the stricken matter; in line 4 strike the stricken comma; strike beginning with the first comma in line 17 through the first comma in line 18; in line 24 after "school" insert "and either resides outside a metropolitan, primary, or first-class city or attends a school which is outside a metropolitan, primary, or first-class city"; and in line 27 remove the underscoring;

e. On page 10, line 1, strike the stricken matter and "The" and insert "A"; and in lines 25 through 27 strike the stricken commas;

f. On page 11, line 17, strike the comma;

g. On page 12, line 7, strike the stricken comma;

h. On page 13, line 8, strike the comma;

i. On page 18, line 26, strike "and"; and in line 27 strike "60-407,"; and

j. On page 19, line 1, after the second comma insert "and section 60-407, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 710, Eighty-eighth Legislature, Second Session, 1984,".

LEGISLATIVE BILL 990. Placed on Select File as amended.
E & R amendment to LB 990:
AM5257

1. On page 2, line 8, strike the comma and show as stricken; and in line 27 insert paragraphing before "In".

LEGISLATIVE BILL 677. Placed on Select File.
LEGISLATIVE BILL 729. Placed on Select File.
LEGISLATIVE BILL 818. Placed on Select File.
LEGISLATIVE BILL 853. Placed on Select File.

LEGISLATIVE BILL 897. Placed on Select File as amended.
E & R amendments to LB 897:
AM5258

1. On page 2, line 4, strike the first comma and show as stricken; in lines 5 and 8 strike the comma and show as stricken; and in line 13 strike both commas and show as stricken.

2. On page 3, line 21, strike the second "to" and show as stricken.

(Signed) Rod Johnson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 259. Read. Considered.

All senators asked unanimous consent to add their names to LR 259. No objections. So ordered.

LR 259 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 256. Read. Considered.

LR 256 was adopted with 32 ayes, 0 nays, and 17 not voting.

GENERAL FILE

LEGISLATIVE BILL 1028. Title read. Considered.

Standing Committee amendments, AM1974, found in the Journal on page 898 for the Twenty-Sixth Day were considered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1990, found in the Journal on page 911 to the Standing Committee amendments. No objections. So ordered.

Mr. Beutler renewed the pending V. Johnson amendment, AM1985, found in the Journal on page 916 to the Standing Committee amendments.

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

The V. Johnson amendment to the Standing Committee amendments was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mr. DeCamp reoffered his amendment, AM1990, found in the Journal on page 911.

The DeCamp amendment lost with 14 ayes, 17 nays, 10 present and not voting, and 8 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 730. Placed on Select File.
LEGISLATIVE BILL 749. Placed on Select File.

LEGISLATIVE BILL 644. Placed on Select File as amended.
E & R amendment to LB 644:
AM5259
1. On page 3, line 18, strike the comma and

show as stricken.

LEGISLATIVE BILL 683. Placed on Select File as amended.
E & R amendments to LB 683:
AM5260

1. On page 2, line 5, strike the comma and show as stricken; in line 12 strike the first "the" and show as stricken; in line 13 strike the second "the" and show as stricken; and in line 14 after the first, second, and third commas insert "county".

2. On page 3, line 7, strike the comma and show as stricken; and in line 8 strike "the same is ordered by", show as stricken, and insert "obtaining the approval of".

LEGISLATIVE BILL 862. Placed on Select File.

LEGISLATIVE BILL 820. Placed on Select File as amended.
E & R amendment to LB 820:
AM5261

1. On page 2, in lines 5 and 20, strike "user's", show as stricken, and insert "users'"; in line 13 strike the comma and show as stricken; and in line 26 strike "premise" and insert "premises".

LEGISLATIVE BILL 881. Placed on Select File as amended.
E & R amendment to LB 881:
AM5262

1. On page 1, line 3, after "a" insert "tax" and after "levy" insert "limitation"; and in line 4 strike "raised" and insert "exceeded".

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 915. Placed on General File.

LEGISLATIVE BILL 699. Indefinitely postponed.
LEGISLATIVE BILL 741. Indefinitely postponed.
LEGISLATIVE BILL 978. Indefinitely postponed.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wagner asked unanimous consent to print the following amendment to LB 1117 in the Journal. No objections. So ordered.

AM1991

1. On page 5, line 27, after "duties" insert ", including mileage at the rate provided in section 84-306.03 for state employees".

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 925. Placed on General File as amended.
Standing Committee amendments to LB 925:
AM1964

1. Strike original sections 1 to 3.
2. On page 6, line 20, after "district" insert "and reference to owners of such real estate as are unknown".
3. On page 7, strike beginning with "Such" in line 18 through the period in line 19, show the old matter as stricken, and insert:

"(2) Any municipality or county may, by resolution, contract to assume responsibility for the maintenance and upkeep of all streets, roads, and sewers, and to provide for libraries, snow removal, parks and recreation, public safety, engineering design, and financial accounting and budgeting assistance, in the sanitary and improvement districts in the county or municipality. Such contracted services shall not be paid from general obligation bonds provided in section 31-755.

Any sanitary and improvement district may, by resolution with the county or municipality exercising zoning jurisdiction over the district, contract for the maintenance and upkeep of all streets, roads, and sewers, and to provide for libraries, snow removal, parks and recreation, public safety, engineering design, and financial accounting and budgeting assistance, within the district. Such contracted services shall not be paid from general obligation bonds provided in section 31-755.

The sanitary and improvement district entering into such contract shall retain responsibility for providing and maintaining all services which are not subject to such maintenance or service contracts.

(3) Any municipality or county exercising the

option to assume responsibility under the provisions of this section shall, on a contractual basis with the sanitary and improvement district, assess the district the actual costs of maintaining, operating, or servicing projects covered by the contract. Costs attributable to such maintenance or service shall not be paid for by general obligation bonds issued pursuant to section 31-755.

(4)”.

4. On page 8, line 9, strike “(2)”, show as stricken, and insert “(5)”.

5. On page 9, line 10, after “facilities” insert “or other maintenance or operational expenses as provided in section 1 of this act”; in line 12 strike “(3)”, show as stricken, and insert “(6)”; and in line 21 strike “(4)”, show as stricken, and insert “(7)”.

6. On page 10, line 5, strike “obtaining the approval of” and insert “giving notice, including a copy of such petition, sent by certified mail at least ten days before the filing of such petition to”; strike lines 10 through 14 and insert “the district shall give notice by certified mail, at least ten days before the filing of such petition, to the county clerk within whose zoning jurisdiction such proposed sanitary and improvement district is located.”; in line 15 strike “(5)”, show as stricken, and insert “(8)”; and in line 24 reinstate the stricken matter.

7. On page 12, line 1 strike “(6)(a)” and insert “(9)”; in line 3 strike “sole”; in line 5 strike “in order” and insert “to provide for orderly residential, commercial, and industrial development, to provide affordable housing, and”; after line 10 insert:

“(10) Each sanitary and improvement district not located within the zoning jurisdiction of an incorporated municipality shall, within its subdivision agreement with the county, state the purpose of the proposed sanitary and improvement district, the needs which the district seeks to fulfill, and a plan through which the district intends to meet those needs. Such district shall have no standing to initiate any civil action seeking to void, in whole or in part, any municipality’s or county’s master plan or such district’s annexation by any municipality.”; in line 11 strike “(b)” and insert “(11)”, and after “of” insert “any”; in line 13 strike “such municipalities”, and strike “through the entering into” and insert “of the municipality or county which exercises zoning jurisdiction over the district and embody such approval in”; in line 17 strike “(i)” and insert “(a)”; in line 18 strike “(ii)” and insert “(b)”; in line 21 strike “(iii)” and insert “(c)”; in line 23 strike “(iv)” and “(v)” and insert “(d)” and “(e)” respectively; in line 26 strike “(vi) the proposed schedule” and insert “(f) the preliminary outline of the proposed structure”; in line 27 after “interest” insert “and whether such structure will include balloon payments, accelerating payments, level payments, or other types of payments”.

8. On page 13, strike lines 1 through 10; in line 13 strike “(1) All”, show the old matter as stricken, and insert “For the eight years next after the election of the initial board of trustees, all”; in line 15 after the comma insert “or after such eight year period, all contracts for work to be done or materials or equipment purchased, the cost of which is more than five thousand dollars,”; and strike lines 23 through 27.

9. On page 14, strike lines 1 through 16.

10. On page 15, line 9, strike “repair,” and insert “annual type of”, and in line 10, strike the comma, and after “costs” insert “, but may be used for general obligation financing of repairs which constitute major reconstruction or major remodeling costs which are not anticipated to be an annual or reoccurring cost of maintaining such facility or project”.

11. On page 21, line 19, strike beginning with “No” through line 26 and insert “Not less than ten days prior to the meeting of the board of trustees of a district where such change of boundaries or annexation is to be considered, a notice shall be given to the municipality or county in whose zoning jurisdiction the district or the land to be annexed is located. An additional notice of the action taken by the board of trustees shall be given to such municipality or county prior to the change of boundaries or the effective date of annexation. Failure of the municipality or county or any owner within the district to protest such change of boundaries or annexation at such meeting shall not be deemed a waiver of any right. Such notices shall be sent by registered or certified mail to the city or county clerk and where applicable to the planning director.”.

12. On page 24, line 5, strike "10" and insert "7"; and in line 11 strike "9" and insert "6".

13. On page 25, line 13, strike "10" and insert "7".

14. Renumber the remaining sections accordingly.

(Signed) Dave Newell, Chairperson

ANNOUNCEMENTS

Mr. Clark designates LB 561 as his priority bill.

Mrs. Marsh designates LB 761 as her priority bill.

The Judiciary Committee designates LB 845 as their priority bill.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. R. Peterson asked unanimous consent to have his name added as co-introducer to LR 258. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 260.

Introduced by Beyer, 3rd District.

WHEREAS, Nebraska cities and villages have a need for legal counsel; and

WHEREAS, the caseload of Nebraska cities and villages with a population of less than fifty thousand inhabitants may not necessitate a full-time attorney; and

WHEREAS, a number of Nebraska cities and village currently contract with county officials for services such as fire and police protection.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature examine during the 1984 interim the past and present need of the service of legal counsel in Nebraska cities and villages with a population of less than fifty thousand inhabitants and whether legislative action is necessary to facilitate the option of such cities and villages to contract with the county attorney for purposes of prosecuting local ordinance violations.

2. That these findings and recommendations be submitted to the

Executive Board of the Legislative Council by November 1, 1984.

Referred to the Executive Board.

MOTION - Place LB 675 on General File

Mr. Fenger moved to place LB 675 on General File notwithstanding the action of the committee.

Laid over.

NOTICE OF COMMITTEE HEARING
Public Works

LB 1106 Thursday, February 23, 1984 (Rehearing) 1:30 p.m.

(Signed) Loran Schmit, Chairperson

MOTION - Withdraw LB 256

Messrs. Vickers, Pappas, and Mrs. Morehead moved to withdraw LB 256.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 670.

A BILL FOR AN ACT relating to the Department of Environmental Control; to amend section 81-1553, Reissue Revised Statutes of Nebraska, 1943; to provide a deadline for an annual progress report; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Barrett	Beutler	Beyer	Carsten
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Jacobson	Johnson, L.	Johnson, R.	Kahle

Kilgarin Labedz Lamb Landis Lundy
Marsh Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Schmit Scofield Sieck
Vickers Von Minden Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Wagner

Excused and not voting, 8:

Chambers Chronister Hoagland Johnson, V. McDonald
Pirsch Remmers Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 681.

A BILL FOR AN ACT relating to interest rates and loans; to amend section 45-145, Reissue Revised Statutes of Nebraska, 1943, and sections 45-137 and 45-138, Revised Statutes Supplement, 1982; to modify allowable interest charges as prescribed; to change provisions relating to the disclosure of certain information; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud Barrett Beutler Beyer Carsten
Clark Fenger Goll Goodrich Hannibal
Harris Hefner Jacobson Johnson, L. Johnson, R.
Kahle Kilgarin Labedz Lamb Landis
Lundy Marsh Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Schmit Scofield
Sieck Vickers Von Minden Wagner Wesely
Withem

Voting in the negative, 4:

Eret Haberman Higgins Warner

Present and not voting, 1:

DeCamp

Excused and not voting, 8:

Chambers Chronister Hoagland Johnson, V. McDonald
Pirsch Remmers Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 663. With Emergency.

A BILL FOR AN ACT relating to the state; to amend section 84-306.01, Reissue Revised Statutes of Nebraska, 1943; to provide intent relating to the furnishing of beverages to legislative employees and guests; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud Barrett Beyer Carsten Clark
DeCamp Eret Fenger Goll Goodrich
Haberman Harris Hefner Higgins Jacobson
Johnson, L. Johnson, R. Kahle Kilgarin Lamb
Landis Lundy Marsh Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Schmit
Scofield Sieck Vickers Von Minden Wagner
Wesely Withem

Voting in the negative, 0.

Present and not voting, 4:

Beutler Hannibal Labedz Warner

Excused and not voting, 8:

Chambers Chronister Hoagland Johnson, V. McDonald
Pirsch Remmers Rupp

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 977. With Emergency.

A BILL FOR AN ACT relating to weights and measures; to amend section 89-187, Revised Statutes Supplement, 1983; to change certain dates relating to fees for certain weighing and measuring devices; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud Barrett Beyer Carsten Clark
DeCamp Eret Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Jacobson Johnson, L. Johnson, R. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Schmit Scofield Sieck Vickers
Von Minden Wagner Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler Warner

Excused and not voting, 8:

Chambers Chronister Hoagland Johnson, V. McDonald
Pirsch Remmers Rupp

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 623.

A BILL FOR AN ACT relating to elections; to amend sections 32-428.06, 32-428.10, 32-503.01, 32-808, 32-1001.39, 32-1001.40, and 75-101, Reissue Revised Statutes of Nebraska, 1943, and sections 32-265, 32-425, 32-504, 32-519.01, 32-537, and 32-803, Revised

Statutes Supplement, 1982; to provide requirements for candidates for certain offices; to change provisions relating to voter registration; to change provisions relating to ballots; to change provisions relating to write-in candidates as prescribed; to change provisions relating to the nomination of candidates; to change petition requirements as prescribed; to change provisions relating to the withdrawal of candidates; to change provisions relating to absentee ballots and contested elections as prescribed; to change provisions relating to recounts; to eliminate a qualification for members of the Public Service Commission; and to repeal the original sections, and also section 32-428.02, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Barrett
Beutler
Beyer
Carsten
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Harris
Hefner
Higgins
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Withem

Voting in the negative, 2:

Haberman
Hannibal

Present and not voting, 2:

Scofield
Warner

Excused and not voting, 8:

Chambers
Chronister
Hoagland
Johnson, V.
McDonald
Pirsch
Remmers
Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 686.

A BILL FOR AN ACT relating to cities and villages; to amend sections

18-2402, 18-2435, and 18-2438, Revised Statutes Supplement, 1982; to provide intent; to change expense provisions; to provide for certain committees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud Barrett Beyer Carsten Clark
DeCamp Eret Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Johnson, L. Johnson, R. Kahle Kilgarin Labedz
Lamb Landis Lundy Marsh Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Schmit Scofield Sieck Vickers Von Minden
Wagner Wesely Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler Jacobson Warner

Excused and not voting, 8:

Chambers Chronister Hoagland Johnson, V. McDonald
Pirsch Remmers Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 911 to Select File

Mr. Beutler moved to return LB 911 to Select File for the following specific amendment:

To insert the word ", resolution" after the word "ordinance" in line 10, page 2.

The motion to return prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 911. The Beutler specific amendment in this day's Journal was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 13 in the Journal. No objections. So ordered.

AM2004
(Amendments to Beutler-Kilgarin amendment AM1586)

1. On page 1, line 13, after the period insert "However, until July 1, 1988, a party in a proceeding may object to a municipal judge hearing a case provided in subdivisions (4) to (9) of section 24-517, and the judge may not act in the case over such objection.".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 13 in the Journal. No objections. So ordered.

AM1997
(Amendments to Beutler-Kilgarin amendment AM1586)

1. On page 1, line 10, after "in" insert "subdivisions (4) to (9) of".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 848A. By Beutler, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 848, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 979. Placed on General File.
LEGISLATIVE BILL 1045. Placed on General File.

LEGISLATIVE BILL 845. Placed on General File as amended.
Standing Committee amendments to LB 845:
AM1949

1. Strike original sections 6 to 22 and 27 and insert the following new sections:

"Sec. 6. It is the intent of the Legislature to establish and maintain a procedure to set off against a debtor's income tax refund any debt which is assigned to the Department of Social Services or which any individual not eligible as a public assistance recipient is attempting to collect, which has accrued through written contract, subrogation, or court judgment and is in the form of a liquidated amount due and owing for the care, support, or maintenance of a child.

Sec. 7. For purposes of sections 6 to 19 of this act, unless the context otherwise requires:

(1) Debt shall mean any liquidated amount due and owing any claimant which has accrued through assignment, contract, subrogation, court judgment, or operation of law, regardless of whether there is an outstanding judgment for such amount, and which is for the care, support, or maintenance of a child;

(2) Debtor shall mean any individual owing money to or having a delinquent account with any claimant which has not been satisfied by court order, set aside by court order, or discharged in bankruptcy;

(3) Claimant shall mean (a) the Department of Social Services with respect to collection of a debt owed by a parent in a case involving a recipient of aid to dependent children in which rights to child support payments have been assigned to this state, or (b) an individual who is not eligible as a public assistance recipient and to whom a child support debt is owed; and

(4) Refund shall mean any Nebraska state income tax refund which the Department of Revenue determines to be due an individual taxpayer. In the case of a joint income tax return, it is presumed that each partner to the marriage submitting such return contributed one half of the earnings upon which the refund is based. The presumption may be contested by the state, the delinquent taxpayer, and the innocent spouse by virtue of the hearing process prescribed in section 15 of this act.

Sec. 8. The Department of Revenue, the Department of Administrative Services, and the Department of Social Services shall develop and implement a collection system to carry out the intent of section 6 of this act.

Sec. 9. The collection remedy authorized by sections 6 to 19 of this act is in addition to and not in substitution for any other remedy available by law.

Sec. 10. The Department of Social Services shall adopt and promulgate rules and regulations necessary to carry out the purposes of sections 6 to 19 of this act.

Sec. 11. Prior to December 1 of each year, the Department of Social Services shall send notification to the debtor of the assertion of the department's rights, or of the rights of an individual not eligible as a public assistance recipient, to all or a portion of the debtor's income tax refund. The notice will contain the procedures available to the debtor for protesting the offset, the debtor's opportunity to give written notice of intent to contest the validity of the claim before the Department of Social Services within thirty days of the date of mailing the notice, and the defenses the debtor may raise. The debt will be certified by the Department of Social Services through a preoffset review.

Sec. 12. By December 1 of each year, the Department of Social Services may submit any certified debt of twenty- five dollars or more to the Department of Revenue, except when the validity of the debt is legitimately in dispute.

Any submission shall be effective only to initiate setoff for a claim against a refund that would be made for the calendar year subsequent to the year in which such submission is made.

Sec. 13. If a debtor identified by the Department of Social Services pursuant to section 11 of this act is determined by the Department of Revenue to be entitled to a refund of twenty- five dollars or more, the Department of Social Services shall be notified that a refund is pending.

Sec. 14. (1) Upon receipt of notification pursuant to section 13 of this act that a debtor is entitled to a refund, the Department of Social Services shall, within twenty days, send written notification to the debtor of an assertion of its rights, or of the rights of an individual not eligible as a public assistance recipient, to all or a portion of the debtor's refund.

(2) The written notification shall clearly

set forth the basis for the claim to the refund, the intention to apply the refund against the debt to a claimant, the debtor's opportunity to give written notice of intent to contest the validity of the claim before the Department of Social Services within thirty days of the date of the mailing of the notice, the mailing address to which the application for a hearing must be sent, and notice that failure to apply for a hearing in writing within the thirty-day period will be deemed a waiver of the opportunity to contest the claim, causing a setoff by default.

In the case of a joint tax return, the notice shall also state the name of the taxpayer named in the return if any, against whom no debt is claimed. There shall be no affirmative duty placed upon the nonowing spouse of an intercepted tax return to initiate an action to receive payment of the noninterceptable amount.

Sec. 15. A written application, pursuant to sections 11 and 14 of this act, by a debtor for a hearing shall be effective upon mailing the application, postage prepaid and properly addressed, to the Department of Social Services.

If the Department of Social Services receives a written application contesting a claim, it shall grant a hearing to the taxpayer to determine whether the claim is valid. If the amount asserted as due and owing is not correct, an adjustment to the claimed amount shall be made. No issues shall be reconsidered at the hearing which have been previously litigated.

Sec. 16. Any appeal of an action taken at or as a result of a hearing held pursuant to section 15 of this act shall be in accordance with Chapter 84, article 9.

Sec. 17. Upon final determination of the amount and validity of the debt due and owing, by means of the hearing provided for in section 15 of this act, or by the taxpayer's default through failure to request a hearing pursuant to section 14 of this act, the Department of Social Services shall certify the debt to the Department of Administrative Services within twenty days from the date of the final determination. The final determination shall not delay the refund beyond the period prescribed in section 77-2794.

Upon receipt of the certified debt amount from the Department of Social Services, the Department of Administrative Services shall deduct an amount equal to the certified debt from the refund due the debtor, up to the amount of the refund, and shall transfer such amount, by noncash voucher, to the Department of Social Services. In nonpublic assistance cases, the Department of Social Services shall transmit the funds collected to the clerk of the district court for dispersal to the payee. The Department of Administrative Services shall refund any remaining balance to the debtor as if the setoff had not occurred.

Sec. 18. When the Department of Social Services receives all or a portion of a certified debt pursuant to section 17 of this act, the department shall notify the debtor of the completion of the setoff. Such notice shall include the final amount of the refund to which the debtor was entitled prior to the setoff, the amount of the certified debt, and the amount of the refund in excess of the debt, if any.

Sec. 19. The Department of Social Services shall reimburse the Department of Revenue and the Department of Administrative Services for all reasonable and necessary costs incurred by the Department of Revenue and the Department of Administrative Services in setting off debts pursuant to sections 6 to 19 of this act.".

2. On page 1, line 5, strike "sections" and insert "section"; in line 6 strike "13-116," and strike "and 42-924,"; and in line 7 strike "42-357,".

3. On page 2, line 5, strike "change" and insert "eliminate"; strike beginning with "to" in line 7 through the semicolon in line 9; and strike beginning with "42-801" in line 10 through "1982" in line 13 and insert "and 13-116, Reissue Revised Statutes of Nebraska, 1943".

4. On page 3, line 3, after the underscored comma insert "after notice and hearing,".

5. On page 4, line 13, after the period insert "Whenever the disputing party prevails, the costs shall be borne by the other party.".

6. On page 13, line 15, strike "thirty days after such payments" and insert "the day after they"; in line 16 after the period insert "Interest shall not accrue until thirty days after such payments are delinquent."; in line 17 strike "may" and insert

"shall"; and in line 20 after "accrues" insert "subject to subsection (2) of this section or unless it is waived by agreement of the parties".

7. On page 19, in lines 11 and 15, strike "may" and insert "shall"; in line 12 strike "and impose"; in line 14 after the underscored period insert "The fee shall be collected by the governmental entity which is actually collecting the delinquent support payments and placed in the appropriate fund."; in line 18 after the second "schedule" insert "based upon a sliding scale using fifteen thousand dollars gross income and one dependent as the basis for establishing the fee scale. The schedule shall be made"; and strike beginning with "Any" in line 19 through line 27 and insert "The application fee and additional fee shall be recovered from the parent who owes the delinquent child support. If such owing parent cannot be located or is judged incapable of paying and the individual receiving the services meets the standards of the fee schedule for ability to pay, the individual receiving the services shall be assessed such fees.".

8. On page 20, strike lines 1 and 2; in line 9 strike "sections 13-116," and insert "section"; in line 10 strike "and 42-924,"; in line 11 strike "42-357,"; and strike beginning with "42-801" in line 13 through "1982" in line 16 and insert "and 13-116, Reissue Revised Statutes of Nebraska, 1943".

9. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1100. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

SELECT FILE

LEGISLATIVE BILL 696. E & R amendment, AM5250, found in the Journal on page 875 for the Twenty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1028. The Standing Committee amendments, as amended, were adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Ms. Scofield asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 152. Considered.

Mr. Schmit offered the following amendment to the Standing Committee amendments:
AM1917

1. Strike the Fenger amendment, AM1721, on page 539 of the Journal and strike the Schmit amendment on page 786 of the Journal.

The Schmit amendment was adopted with 22 ayes, 0 nays, 16 present and not voting, and 9 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 728. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 670, 681, 663, 977, 623, and 686.

GENERAL FILE

LEGISLATIVE BILL 372. Title read. Considered.

Mr. Landis moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Advanced to E & R for Review with 25 ayes, 7 nays, 8 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 372A. Title read. Considered.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Advanced to E & R for Review with 25 ayes, 7 nays, 7 present and not voting, and 10 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE RESOLUTION 3CA. Read. Considered.

Standing Committee amendments, AM0673, found in the Journal on page 937 for the Forty-Third Day, First Session, were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Harris asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved to indefintely postpone LR 3.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: 256 and 259.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 1105. Placed on General File.

LEGISLATIVE BILL 902. Placed on General File as amended.
Standing Committee amendments to LB 902:

AM1968

1. On page 2, line 1, strike "12" and insert "13"; in line 3, strike "6" and insert "7"; in line 11, after the comma insert "prepaid dental service plan as defined by section 44-3802,"; in line 19 strike "or" and insert an underscored comma and after "administrator," insert "or group health insurance plan with an insurer,"; in line 23, strike "for lower fees" and insert "in a manner which will contain or lower costs"; and in line 24 after "arrangements" insert "or an insurer or participant organized as a provider of health services providing such services under a preferred provider contract".

2. On page 3, line 9, strike "for" and insert "to purchase"; and in line 14, strike "which offers" and insert "including".

3. On page 4, line 6, strike "8" and insert "9"; in line 9, after "her" insert "by an insurer or a participant in an arrangement"; in line 25 strike "insurance" and insert "benefit"; in line 26, strike "full"; and in line 27, after "plan" insert "at the least direct expense to the insured".

4. On page 5, line 4, after the underscored period insert "A participant in an insurance arrangement shall contribute toward the reimbursement of nonpreferred providers in an amount equal to the participant's contribution or premium for preferred providers. Such participant shall not be required to reimburse nonpreferred providers in an amount greater than the usual fees charged by such nonpreferred providers for the services rendered or greater than the negotiated price under a preferred provider policy or contract.".

5. Page 5, line 18, page, 6, lines 12 and 25, and page 10, line 7, strike "12" and insert "13".

6. Insert the following new section:

"Sec. 5. Participant in an insurance arrangement shall mean any employer, union, or other organization providing health care services or benefits to its employees or members through an insurance arrangement."

7. Renumber original sections 5 to 19 as sections 6 to 20 respectively.

LEGISLATIVE BILL 936. Placed on General File as amended.

Standing Committee amendment to LB 936:
AM1966

1. On page 3, line 25, after the period insert "The State Energy Office shall submit its voucher to the Director of Administrative Services upon approval of the technical analysis study by the State Energy Office."; and in line 26 strike "any" and insert "an energy efficiency".

LEGISLATIVE BILL 1117. Placed on General File as amended.
Standing Committee amendment to LB 1117:
AM1983

1. On page 2, line 1, strike "24" and insert "25".

2. On page 3, line 18, strike "7" and insert "8"; and in line 21 strike "8" and insert "9".

3. Insert a new section as follows:

"Sec. 7. Small business shall mean a business which is independently owned and operated and which has fewer than one hundred employees. Small business shall not include farming, ranching, or raising of livestock.".

4. On page 16, line 17, after the period insert "Nothing in this section shall be construed to exempt from taxes any enterprise which receives financing from the authority pursuant to section 21 of this act."; and after line 21 insert a new paragraph as follows:

"Nothing in the Small Business Development Authority Act shall be contrued as an appropriation of state funds to the authority.".

(Signed) John DeCamp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Eret asked unanimous consent to print the following amendment to LB 957 in the Journal. No objections. So ordered.

AM1979

1. On page 2, in lines 18 and 19, strike the new matter; and in line 20 after "involved" insert ", that the residence of the petitioner is closer to the school in the adjoining district by at least four miles and that the land to be transferred adjoins the district to which it is proposed to be attached, or that tuition

has been paid for a period of at least two consecutive years for one or more of the petitioner's children to attend school in the district to which they propose to transfer land and the land to be transferred adjoins the district to which it is proposed to be attached".

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee hearings today, February 14, 1984 will be in the East Chamber.

UNANIMOUS CONSENT - Expedite LB 1028

Mr. Beutler asked unanimous consent to expedite LB 1028. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1127. By Warner, 25th District, at the request of the Governor.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1005, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the qualifications necessary to receive assistance to the disabled; to repeal the original section; and to declare an emergency.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 714. Placed on General File as amended.
Standing Committee amendment to LB 714:
AM1989

1. On page 2, line 9, after "wine" insert an underscored comma, strike "and" and show as stricken, and after "beer," insert "and brandy".

(Signed) Elroy Hefner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 255, 405, and 703.

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 261.

Introduced by Wagner, 41st District; Abboud, 12th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Clark, 47th District; Eret, 32nd District; Fenger, 45th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hannibal, 4th District; Harris, 27th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; L. Johnson, 15th District; Kahle, 37th District; Kilgarin, 7th District; Labedz, 5th District; Lamb, 43rd District; Lundy, 36th District; Marsh, 29th District; Morehead, 30th District; Newell, 13th District; Nichol, 48th District; Pappas, 42nd District; H. Peterson, 35th District; R. Peterson, 21st District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, the Living Snowfence Program was initiated in the State of Nebraska in 1975 through the cooperation of Valley County Highway Superintendent Emanuel Petska, the Valley County Board of Supervisors, the Lower Loup Natural Resources District, and the Soil Conservation Service; and

WHEREAS, this cooperation resulted in a pilot program through which the first structured living snowfence was planted on land owned by Edward Janus and located two miles west of Ord; and

WHEREAS, in 1977 the Living Snowfence Program was made part of the Private Lands Habitat Program through the Game and Parks Commission; and

WHEREAS, since 1977 the Game and Parks Commission, in conjunction with the natural resources districts, counties, and landowners have brought the benefits of the Living Snowfence Program to the citizens of Nebraska; and

WHEREAS, the Department of Roads also began a structured snowfence program in 1983; and

WHEREAS, adjacent states are now beginning living snowfence programs based on the Nebraska model; and

WHEREAS, the Living Snowfence Program provides tremendous benefits to the State of Nebraska including snow and wind protection, wildlife nesting areas, escape areas for game, wildlife cover and food, soil and water conservation, protection for livestock, and environmental beauty.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Emanuel Petska, Edward Janus, the Valley County Board of Supervisors, the Lower Loup Natural Resources District, and the Soil Conservation Service are recognized for their contributions in developing the Living Snowfence Program.
2. That the Living Snowfence Program is recognized as a great benefit to the citizens of Nebraska.
3. That the Game and Parks Commission along with the natural resources districts, landowners, counties, Soil Conservation Service and Department of Roads are to be commended for their cooperation and efforts in developing and bringing forth the Living Snowfence Programs.

Laid over.

VISITORS

Visitors to the Chamber were seven students and teacher from Murdock Consolidated, Murdock; twenty 4-H members and sponsor; the Mayor of North Platte, Betty Petersen; and Jan Wolf.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Wednesday, February 15, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 15, 1984

LEGISLATIVE JOURNAL

TWENTY-EIGHTH DAY - FEBRUARY 15, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 15, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Reverend Charles Tyler, St. John's African Methodist Espiscopal Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Carsten who was excused; Messrs. Abboud, DeCamp, Haberman, Hannibal, R. Johnson, Landis, Lundy, McDonald, Newell, Rupp, Schmit, Vickers, Wesely, Miss Kilgarin, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 907, line 11, strike "733" and insert "773".
The Journal for the Twenty-Sixth Day was approved as corrected.
The Journal for the Twenty-Seventh Day was approved.

MR. BEUTLER PRESIDING

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 606. Indefinitely postponed.
LEGISLATIVE BILL 819. Indefinitely postponed.
LEGISLATIVE BILL 966. Indefinitely postponed.

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1119. Placed on Select File as amended.
E & R amendments to LB 1119:
AM5263

1. On page 2, line 4, strike “shall have attained”, show as stricken, and insert “attains”; and in line 6 strike “~~governor~~” and insert “~~Governor~~”.

2. On page 3, line 16, strike “shall have decreased”, show as stricken, and insert “decreases” and strike “shall have”, show as stricken, and insert “has”; in line 24 strike the first comma and show as stricken; in line 25 strike “.ct”; in line 26 strike the comma and show as stricken.

3. On page 4, line 10, strike the comma and show as stricken and strike “shall extend”, show as stricken, and insert “extends”; in lines 12, 13, 15, 25, and 26 strike the commas and show as stricken.

4. On page 5, line 4, strike “shall have decreased” and insert “decreases” and strike “shall have” and insert “has”; in line 10 strike the comma; in line 18 strike “shall have increased” and insert “increases”; and in line 19 strike “shall have” and insert “has”.

LEGISLATIVE BILL 673. Placed on Select File as amended.
E & R amendment to LB 673:
AM5264

1. On page 2, line 4, after “Council” insert an underscored comma.

(Signed) Rod Johnson, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 14, 1984, at 11:57 a.m., were the following bills: 670, 681, 663, 977, 623, and 686.

(Signed) Jan Loder, Enrolling Clerk

ANNOUNCEMENT

Mr. DeCamp designates LB 693 as his priority bill.

Mrs. Morehead designates LB 861 as her priority bill.

Mr. Hoagland designates LB 744 as his priority bill.

Mr. Chambers designates LB 553 as his priority bill.

Mr. Lundy designates LB 970 as his priority bill.

Mr. Wagner designates LB 838 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB 1117 as their priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 262.

Introduced by Nichol, 48th District.

WHEREAS, Henry D. Kosman was a former State Senator who was elected in 1947 from the tenth legislative district; and

WHEREAS, During his lifetime, Mr. Kosman served as a director and president of the Nebraska Public Power District board, director of the Omaha branch of the Federal Reserve Bank of Kansas City, president and chairperson of the board of Western National Bank and Scottsbluff National Bank and Trust Company, president of the Nebraska Bankers Association, and trustee of Bankers Life Insurance Company; and

WHEREAS, Mr. Kosman received the Distinguished Service Builders Award in 1979 from the University of Nebraska-Lincoln; and

WHEREAS, At age 70, Henry D. Kosman passed from this life on Sunday, February 12, 1984; and

WHEREAS, Mr. Kosman's contributions to the State of Nebraska will always be remembered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its sympathy to the family of Henry D. Kosman.
2. That a copy of this resolution be presented to the Kosman family as a symbol of regret at his passing.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1028. Placed on Select File as amended.

E & R amendments to LB 1028:
AM5269

1. On page 1, strike beginning with "financial" in line 1 through "appropriation" in line 3 and insert "claims; to amend sections 81-8,211, 81-8,224, and 81-8,239, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,212, Revised Statutes Supplement, 1983; to change procedures relating to claims against the state; to change the powers and duties of the Attorney General and the State Claims Board; to repeal the original sections; and to declare an emergency".

2. In the Special Committee amendments, AM1974, adopted February 14, 1984:

a. On page 1, line 3, strike "81-8,2111" and insert "81-8,211"; and in line 15 strike the comma and show as stricken; and

b. On page 3, line 3, strike the comma and show as stricken.

3. In the V. Johnson amendment, AM1985, adopted February 14, 1984, on page 1, line 18, strike "it", show as stricken, and insert "the board".

Correctly Engrossed

The following bill was correctly engrossed: 696.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 920. Placed on General File as amended.
Standing Committee amendments to LB 920:

(1)

AM1970

1. On page 4, line 9, after the period insert "Such request shall indicate the political party of the person requesting the registration forms.".

(2)

AM1969

1. On page 3, line 1, strike "28" and insert "27"; in line 6 after "section" insert ", including persons confined by public order under the laws of this state or of the United States,"; in line 7 after the

period insert "Persons excluded from voting under section 32- 1048 may not vote under the provisions of the Absentee Voters Act."; in line 13, strike "due to illness or infirmity"; strike beginning with "The" in line 14 through "(d)" in line 16; strike lines 19 and 20; in line 21 strike "(f)" and insert "(d)"; in line 24 strike "(g)" and insert "(e)"; in line 25 strike "(h)" and insert "(f)"; and in line 26 after the first "official" insert "or employee".

2. On page 4, line 4, strike "(1)"; and in line 25 strike ", postage paid,".

3. On page 5, line 6, after the second "section" insert "4 or".

4. On page 8, strike beginning with "because" in line 24 through "older" in line 26.

5. On page 9, strike lines 2 and 3.

6. On page 10, line 22, strike "voters'" and insert "voters".

7. On page 11, line 17, strike "a" and insert "his or her".

8. On page 12, line 23, strike "opening and".

9. On page 15, line 16, strike "voters'" and insert "voters".

10. Strike original section 25.

11. On page 19, line 13, strike "or neglects"; and in line 14 after "or" insert "willfully".

12. On page 28, line 27, strike "to" and show as stricken.

13. On page 37, line 20, after the second "President" insert an underscored comma.

14. On page 43, line 14, strike "voters", show as stricken, and insert "voters'".

15. Insert a new section as follows:

"Sec. 47. This act shall become operative on January 1, 1985.".

16. On page 48, line 25, strike the second "and"; and in line 26 after "32-819," insert "and 32-1241,".

17. Renumber remaining sections accordingly.

(Signed) David Landis, Chairperson

MOTION - Withdraw LB 256

Messrs. Pappas, Vickers, and Mrs. Morehead renewed their pending motion found in the Journal on page 937 to withdraw LB 256.

The motion prevailed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 253. Read. Considered.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

LR 253 was adopted with 26 ayes, 6 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE RESOLUTION 258. Read. Considered.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Warner offered the following amendment:
After the words "Lead to" in the 6th "WHEREAS" add "Law enforcement costs to avoid".

Laid over.

ANNOUNCEMENT

Mr. Beutler announced today is Senator Fenger's birthday.

NOTICE OF COMMITTEE HEARING
Miscellenaeous Subjects

Sec. of State Appt. Thursday, February 16, 1984 (Cancel) 1:30 p.m.
John D. Wherry - NE Accountability and Disclosure Commission

(Signed) Elroy Hefner, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 807A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 807, Eighty-eighth Legislature, Second

Session, 1984.

LEGISLATIVE BILL 1056A. By H. Peterson, 35th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1056, Eighty-eighth Legislature, Second Session, 1984.

GENERAL FILE

LEGISLATIVE BILL 1056. Title read. Considered.

Mr. Wagner asked unanimous consent to have his name added as co-introducer to LB 1056. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 758. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 870. Title read. Considered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Newell requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Eret	Goodrich	Hannibal	Hefner	Higgins
Hoagland	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Landis	Lundy	McDonald	Morehead
Nichol	Pappas	Remmers	Scofield	Sieck
Vickers	Von Minden	Wesely	Withem	

Voting in the negative, 10:

Abboud	Clark	Johnson, L.	Lamb	Newell
Peterson, H.	Pirsch	Rupp	Wagner	Warner

Present and not voting, 11:

Barrett	Beutler	Beyer	Chambers	Chronister

Fenger	Goll	Harris	Jacobson	Peterson, R.
Schmit				

Excused and not voting, 4:

Carsten	DeCamp	Haberman	Marsh

Failed to advance to E & R for Review with 24 ayes, 10 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 967. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 919. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 923. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 933. Title read. Considered.

Messrs. Landis and Wagner offered the following amendment:
Strike sections 15, 16, 17 and 18 of LB 933.

The Landis-Wagner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

PRESIDENT MCGINLEY PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 934. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not

voting, and 3 excused and not voting.

LEGISLATIVE BILL 1032. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 222. Title read. Considered.

Standing Committee amendment, AM0624, found in the Journal on page 866, for the Forty-First Day, First Session, lost with 3 ayes, 14 nays, 29 present and not voting, and 3 excused and not voting.

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 263.

Introduced by Beyer, 3rd District; Withem, 14th District.

WHEREAS, the county extension programs serve farmers, ranchers, agricultural businesses, public and private organizations, community leaders, families, homemakers, and youth; and

WHEREAS, the programs planned by the extension agents in each county in cooperation with the county extension board serve local groups and individuals; and

WHEREAS, extension specialists plan and conduct programs and provide district and statewide coordination; and

WHEREAS, volunteers play an important part in the total extension program and serve as leaders of 4-H clubs, teach lessons at home extension club meetings, and help in many other ways; and

WHEREAS, Governor Kerrey has proclaimed the third week of February 1984 as Nebraska Cooperative Extension week.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and honors all extension club staff and volunteer leaders comprised of county extension board members, 4-H leaders, home extension club leaders, 4-H and home extension council members, master gardners, and other volunteers who contribute to the success of the educational programs of the

Cooperative Extension Service.

Laid over.

STANDING COMMITTEE REPORTS
Administrative Rules & Regulations Review

LEGISLATIVE BILL 762. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1972.)

(Signed) Emil Beyer, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 85. Indefinitely postponed.
LEGISLATIVE BILL 666. Indefinitely postponed.

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 130A in the Journal. No objections. So ordered.

AM1962

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby appropriated (1) $27,000 from the General Fund and $28,600 from the Early Childhood Programs Cash Fund for the period July 1, 1984, to June 30, 1985, and (2) $58,390 from the General Fund for the period July 1, 1985, to June 30, 1986, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 130, Eighty-eighth Legislature, Second Session, 1984.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $51,500 for the period July 1, 1984, to June 30, 1985, nor $53,325 for the period July 1, 1985, to June 30, 1986.

Sec. 2. There is hereby appropriated (1) $40,625 from the General Fund for the period July 1, 1984, to June 30, 1985, and (2) $42,656 from the General Fund for the period July 1, 1985, to June 30, 1986, to the Department of Health, for Program 514, to aid in carrying out the provisions of Legislative Bill 130, Eighty-eighth Legislature, Second Session, 1984.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $32,500 for the period July 1, 1984, to June 30, 1985, nor $34,775 for the period July 1, 1985, to June 30, 1986.

Sec. 3. There is hereby appropriated (1) $35,750 from the General Fund and $4,875 from the State Fire Marshal Cash Fund for the period July 1, 1984, to June 30, 1985, and (2) $37,781 from the General Fund and $4,875 from the State Fire Marshal Cash Fund for the period July 1, 1985, to June 30, 1986, to the State Fire Marshal, for Program 193, to aid in carrying out the provisions of Legislative Bill 130, Eighty-eighth Legislature, Second Session, 1984.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $32,500 for the period July 1, 1984, to June 30, 1985, nor $34,775 for the period July 1, 1985, to June 30, 1986.".

Messrs. Newell and Beutler asked unanimous consent to print the following amendment to LB 758 in the Journal. No objections. So ordered.

On page 4, line 8, delete "to a subsidiary"; delete underscored language on lines 9, 10, and 11.

Insert on page 4 at the end of line 8, "have occurred if transferred to a parent corporation, a subsidiary corporation, another subsidiary of the same parent corporation, or a brother-sister corporation, when such corporation is licensed to collect and remit sales tax in this state."

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 927. Placed on General File as amended.
Standing Committee amendment to LB 927:
AM2000

1. On page 2, line 1, strike "Flammable" and insert "(1) Except as provided in subsection (2) of this section, flammable" and strike "cumbustible" and insert "combustible"; and after line 7 insert the following new subsection:

"(2) Underground storage of kerosene and heating oil shall not be required when stored in containers of five hundred gallons or less.".

LEGISLATIVE BILL 1058. Placed on General File as amended.
Standing Committee amendment to LB 1058:
AM2001

1. On page 4, after line 6 insert:

"ARTICLE VI

The State of Nebraska may enter into agreements with two or more of the following states: South Dakota, North Dakota, Montana, Wyoming, and Colorado for the purpose of providing interstate cooperation and coordination in water matters. These states have cultural, economic, social, agricultural, and water resource similarities as evidenced by such states' (1) past affiliations in interstate organizations such as the Old West Regional Commission and the Missouri River Basin Commission and (2) identity as reclamation states within the upper and lower regional divisions of the United States Bureau of Reclamation.

ARTICLE VII

For purposes of fostering interstate cooperation and coordination between the states listed in Article VI on water matters, when two or more of such states agree to participate in any agreement pursuant to Article VI, Nebraska may participate in the formation of a Missouri Basin Water Council, which is hereby created.

ARTICLE VIII

Each state participating in the Missouri Basin Water Council shall pay an equal and proportionate share of money to (1) establish the council, (2) provide for the council's operations and overhead, (3) cover the expense of the member states' participating representatives who are not elected officials or state employees whose expenses are otherwise covered by the states, and (4) carry out the council's purposes.

ARTICLE IX

The Missouri Basin Water Council shall consist of the following members:

(1) Two members of each state's legislature who are chosen by the members of each legislature;

(2) The director or head of the agency that administers the water rights and uses in each state;

(3) The director or head of the principal

state agency that conducts geological and ground water research, investigations, and monitoring in each state; and

(4) One member appointed by the Governor of each state.

ARTICLE X

The purpose of the Missouri Basin Water Council shall be to:

(1) Collect and disseminate information on water including studies, research, and policies between the states;

(2) Engender cooperation among and between the states on water matters and issues;

(3) Promote greater understanding and public awareness of the water issues in the states; and

(4) Make recommendations to the governors and legislatures of the states on water matters of mutual interest and concern in and between the states.

ARTICLE XI

The Missouri Basin Water Council may establish offices, employ the necessary staff, sponsor activities and programs, and conduct such meetings as the council deems advisable.

Sec. 2. For purposes of Articles VI to XI there is hereby authorized an initial amount of fifty thousand dollars for the State of Nebraska to enter into agreements with the states listed in Article VI and to carry out the purpose and intent of Articles VI to XI if such sum is matched by at least two of the other states listed in Article VI.".

(Signed) Rex Haberman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 229. Title read. Considered.

Standing Committee amendments, AM0719, found on page 955 for the Forty-Fourth Day, First Session, were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:
AM1843

1. Strike original sections 2 through 9 and all amendments thereto and insert the following new section:

"Sec. 2. A library or its agent or employee who causes, pursuant to his or her duties, the detention or arrest of any person, whether on or off the library premises, shall not be held civilly liable for unlawful detention, slander, malicious prosecution, false imprisonment, false arrest, or assault and battery of the person so arrested, unless excessive or unreasonable force is used. This section shall provide immunity if in causing the arrest of such person, the library or its agent or employee had, at the time of such arrest, probable cause to believe that the person committed willful concealment of library material.".

2. Renumber the remaining section accordingly.

Mr. Abboud and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a division of the question on the Beutler amendment.

The Chair sustained the division of the question.

The first Beutler amendment is as follows:

1. Strike original sections 2 through 9 and all amendments thereto

The first Beutler amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The second Beutler amendment is as follows:

and insert the following new section:

"Sec. 2. A library or its agent or employee who causes, pursuant to his or her duties, the detention or arrest of any person, whether on or off the library premises, shall not be held civilly liable for unlawful detention, slander, malicious prosecution, false imprisonment, false arrest, or assault and battery of the person so arrested, unless excessive or unreasonable force is used. This section shall provide immunity if in causing the arrest of such person, the library or its agent or employee had, at the time of such arrest, probable cause to believe that the person committed willful concealment of library material.".

2. Renumber the remaining section

accordingly.

Passed over.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 1059. Placed on General File.
LEGISLATIVE BILL 1064. Placed on General File.

LEGISLATIVE BILL 662. Indefinitely postponed.

The Committee on Agriculture and Environment desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Don D. Hutchens - Agricultural Products Industrial Utilization Comm.
Steve Thomas - Environmental Control Council
Bill Miller - Environmental Control Council
Jim George - Environmental Control Council
Dennis Grams - Department of Environmental Control
M. E. Whitehead - Agricultural Products Industrial Utilization Comm.
Ronald Kelly - Agricultural Products Industrial Utilization Comm.
Allen Kreuscher - Agricultural Products Industrial Utilization Comm.
Phil James - Environmental Control Council
Dave Sands - Environmental Control Council
Dewey Anderson - Environmental Control Council

Voting aye: Senators R. Peterson, Eret, Chronister, Pappas, Remmers, McDonald, and Haberman. Voting nay: None. Absent: Senator Pirsch.

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 820 in the Journal. No objections. So ordered.

AM2016

1. On page 2, line 25, after "one" insert "retailer's"; and strike beginning with the second comma in line 26 through the comma in line 27 and insert "in the amount provided for one retailer's license".

2. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

GENERAL FILE

LEGISLATIVE BILL 473. Title read. Considered.

Standing Committee amendments, AM1628, printed separate from the Journal and referred to on page 376 for the Seventh Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment:
Strike Section 25.
Insert a new section to read as follows: "Sec. 25. Notwithstanding the provisions of sections 81-196 to 81-1,108, the Nebraska State Board of Public Accountancy is hereby reestablished."

The Warner amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 791. Title read. Considered.

Standing Committee amendment, AM1725, found in the Journal on page 554 for the Fourteenth Day was considered.

Mr. V. Johnson renewed his pending amendment found in the Journal on page 708 to the Standing Committee amendment.

The V. Johnson amendment to the Standing Committee amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 833. Title read. Considered.

Standing Committee amendments, AM1706, found in the Journal on page 555 for the Fourteenth Day were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 833A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 657. Title read. Considered.

Standing Committee amendment, AM1756, found in the Journal on page 568 for the Fourteenth Day was considered.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM1984

1. In the Standing Committee amendments on page 1, line 1, strike "for" and insert "and"; and in line 2 strike "3" and insert "2".

The Beutler amendment was adopted with 16 ayes, 0 nays, 30 present and not voting, and 3 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 767. Title read. Considered.

Standing Committee amendments, AM1735, found in the Journal on page 587 for the Sixteenth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 767A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 658. Title read. Considered.

Standing Committee amendment, AM1778, found in the Journal on page 613 for the Sixteenth Day was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 805. Title read. Considered.

Standing Committee amendments, AM1781, found in the Journal on page 633 for the Seventeenth Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Ms. Scofield asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 995. Placed on Select File as amended.
E & R amendments to LB 995:
AM5266

1. On page 2, line 10, strike the semicolon, show as stricken, and insert an underscored period; and in line 11 strike "and" and show as stricken and strike "a", show as stricken, and insert "A".

2. On page 2, line 15; page 3, line 11; and page 4, line 19, strike the comma and show as stricken.

3. On page 4, line 9, after the second "of" insert "subdivision (e)(2) of", after "48-627" insert an underscored period, and strike the comma and show as stricken; in line 10 strike beginning with "subdivision" through "Each" and show the old matter as stricken, reinstate "~~(b)~~", and after "~~each~~" insert "Each"; in line 14 after "of" insert "subdivision (e)(1) of", after "48-627" insert an underscored period, and strike

beginning with the comma through “(c)” and show the old matter as stricken; and in line 15 strike “Benefits”, reinstate “~~(c)~~” and after “~~benefits~~” insert “Benefits”.

4. On page 5, line 21, after the second comma insert “or” and strike the last comma and show as stricken; and in line 24 strike the semicolon and show as stricken.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 711. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

AM2022

1. Strike the original sections and all amendments thereto and insert the following new sections:

“Section 1. The State of Nebraska has a compelling interest in the education of all children in the state. Because of this interest, the state clearly has an obligation to establish reasonable and effective educational standards for all educational efforts. At the same time many parents who are ultimately responsible for their children and have the responsibility of overseeing their children’s education, including overseeing their children’s religious, spiritual, and moral education, believe that such education should be provided by a weekday church educational ministry which reflects their religious beliefs. The parents also believe that such a ministry should in no way be controlled by the state. It is the purpose of sections 1 to 4 of this act to achieve an appropriate balance between the state’s obligation to assure that all children receive a quality education and the parents’ rights to the free exercise of religion guaranteed by the First Amendment of the Constitution of the United States.

Sec. 2. (1) Until July 1, 1987, a weekday church educational ministry shall be exempt from the accreditation, approval, and certification requirements prescribed by the laws of this state and the rules and regulations adopted and promulgated by the State Department of Education if all parents or legal guardians of children attending the ministry elect to have a nationally recognized standardized achievement test of basic skills administered each year to their children. In addition, all such parents shall annually make a written representation to the department containing the following information:

(a) That the parent or legal guardian's religious beliefs mandate that his or her child attend the ministry;

(b) That the parent or legal guardian agrees to have a nationally recognized standardized achievement test of basic skills administered to his or her child each year;

(c) That the child is in fact regularly attending the ministry;

(d) That the child is receiving a structured program of education which satisfactorily covers all basic skills areas of study included in state curriculum standards. Evidence identifying and describing such program shall accompany the representation;

(e) The number of instructional hours which are offered annually by the ministry equal or exceed the number of instructional hours offered by Nebraska's public schools;

(f) That the ministry is conducted with physical facilities and instructional equipment and materials comparable to state standards or of such character as to provide a suitable educational environment. Evidence identifying and describing the facilities, equipment, and materials shall accompany the representation;

(g) The names and address of all employees and volunteers of the ministry, including their educational background;

(h) That the State Department of Education will be allowed to conduct regular onsite visitations and interviews with parents and students of the ministry; and

(i) That the parent or legal guardian understands that children attending the ministry will not receive a diploma recognized by accredited or approved schools.

In addition to the information required in this subsection, the representation shall include an acknowledgment by the parent or legal guardian that the parent or legal guardian knows that the ministry is not approved by the state and that he or she will not hold the state responsible for the education of his or her child.

The evidentiary requirements prescribed in this subsection may be met by reference to documents previously received by the Commissioner of Education so long as those documents continue to reflect current practice at the ministry.

(2) If any parent or guardian refuses to furnish the written representation required in subsection (1) of this section or if such representation contains knowingly false information, such parent or guardian shall be deemed in violation of section 79-201.

Sec. 3. All children attending a weekday church educational ministry described in section 2 of this act shall be required to annually take a nationally recognized standardized achievement test of basic skills recognized by the State Department of Education and educators generally and designed to measure the children's competency levels in the basic areas of study included in state curriculum standards. The test shall be chosen by the State Department of Education and the scores evaluated in cooperation with the county superintendent of the school district in which the ministry is located. The average test scores in each content area and at each grade level of all children enrolled in the ministry shall be at least equal to such average test scores of students on the same or comparable tests in Nebraska public schools. If no Nebraska test scores are available, national average test scores shall be used. If the required average test scores are not achieved or if the educational programs, facilities, materials, and equipment are inadequate to provide basic educational opportunities comparable to approved schools, the parents of the children attending such ministry shall be deemed in violation of section 79-201. At the option of the parent or legal guardian, test results for physically or mentally handicapped children, as defined in subdivisions (3) to (9) of section 43-604, shall not be included in determining either (1) the group performance results of a ministry or (2) the scores used for comparison purposes.

Sec. 4. Notwithstanding the provisions of sections 1 to 3 of this act, any weekday educational ministry described in section 2 of this act shall be subject to health, safety, and fire regulations prescribed by the laws of this state and the rules and regulations adopted and promulgated by the State Department of Education.

Sec. 5. That section 79-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-201. ~~Every~~ Except as provided in sections 2 and 3 of this act, every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child, not less than seven nor more than sixteen years of age, shall cause such child to attend regularly the public, private, denominational, or parochial day schools each day that such schools are open and in session except when excused by school authorities, unless such child has been graduated from high school. The term shall not be less than one hundred seventy-five days in any district, except that in the event of the failure of any district which receives twenty per cent or more of its total receipts for general fund purposes from federal sources~~,~~ to actually receive receipts anticipated at the time of the adoption of the school budget from taxes, state funds, federal funds, tuition, or other sources, the board of education of such district may, at any time during the school year, elect to close all or part of its schools.

Sec. 6. That section 79-1229, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1229. All persons, except those employed in weekday church educational ministries described in section 2 of this act, holding the official title of (1) superintendent of schools, (2) principal or supervisor of an accredited school, or (3) supervisor of any special subjects or subject in which such persons actually supervise the work of other teachers in that subject or those subjects~~,~~ shall hold either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate.

The exception provided in this section for persons employed in ministries described in section 2 of this act shall terminate on July 1, 1987.

Sec. 7. That section 79-1233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1233. (1) Except for those persons employed in schools described in section 2 of this act, no ~~No~~ person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except that no Nebraska certificate or permit shall be required of persons teaching exclusively in junior colleges organized as part of the public school system. The exception provided in this subsection for persons employed in ministries described in section 2 of this act shall terminate on July 1, 1987.

(2) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature, if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

Sec. 8. That section 79-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1701. ~~All~~ Except as provided in section 2 of this act, all private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils. All private, denominational, and parochial schools shall have adequate equipment and supplies~~,~~ and shall be graded the same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

Sec. 9. That section 79-1705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1705. The county superintendent in first-class school districts, or the superintendent of schools in all other districts, where any private, denominational, or parochial school not otherwise inspected by an area or diocesan representative holding either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate is located~~,~~ shall inspect such schools, except for any weekday church educational ministries described in section 2 of this act, and report to the proper officers any evidence of failure to observe any of the provisions of sections 79-1701 to 79-1707. The ~~; PROVIDED, that the~~ Commissioner of Education, when in his or her judgment it is deemed advisable, may appoint a public school official other than the above, including a member of the State Department of Education, for such inspections. Such appointee shall hold either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate. The State Board of Education shall require the several county superintendents and superintendents of schools and appointed public school officials to make such inspections at least twice a year, and the school officers of such schools and the teachers giving instruction therein are required to permit such inspection and assist and cooperate in the making of the same.

Sec. 10. Sections 1 to 4 of this act shall terminate on July 1, 1987.

Sec. 11. That original sections 79-201, 79-1229, 79-1233, 79-1701, and 79-1705, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Mr. Newell asked unanimous consent to print the following amendment to LB 782 in the Journal. No objections. So ordered.

AM2014
(Amendments to the Standing Committee amendments)

1. On page 1, line 15, after the underscored period insert "Any person performing the services shall have completed any training requirements of his or her profession as required by law. Contracts for services or contracts for vehicles or equipment entered into pursuant to this section shall include a provision regarding the liability of the party or parties to the contract.".

Mr. Warner asked unanimous consent to print the following amendment to LB 679 in the Journal. No objections. So ordered.

AM2008

1. On page 6, line 3, strike "Receipt of", show as stricken, and insert "The".
2. On page 8, line 27, strike "He or she" and show the old matter as stricken.
3. On page 9, strike lines 1 to 9 and show the old matter as stricken.
4. On page 10, strike beginning with "therefor" in line 17 through "therein" in line 19, show as stricken, and insert "fees as provided in sections 33-109 and 33-112".
5. On page 11, line 4, strike "time", show as stricken, and insert "date".

Mr. Clark asked unanimous consent to print the following amendment to LB 1039 in the Journal. No objections. So ordered.

In the standing committee amendments, on page 1, line 1, strike "sections" and insert "section"; strike lines 2 through 9; and in line 10 strike "Sec. 6" and insert "Sec. 5".

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 113. Indefinitely postponed.
LEGISLATIVE BILL 780. Indefinitely postponed.
LEGISLATIVE BILL 860. Indefinitely postponed.
LEGISLATIVE BILL 905. Indefinitely postponed.
LEGISLATIVE BILL 1041. Indefinitely postponed.

(Signed) George Fenger, Chairperson

GENERAL FILE

LEGISLATIVE BILL 806. Title read. Considered.

Standing Committee amendment, AM1779, found in the Journal on page 634, for the Seventeenth Day was considered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
Page 3, 4. Strike new language, reinstate stricken language in subsection (3).

Mr. Chambers moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Abboud Chambers Johnson, R. Kilgarin Labedz
Landis Morehead Nichol Pappas Rupp
Sieck

Voting in the negative, 28:

Barrett Beyer Chronister Fenger Goll
Goodrich Hannibal Harris Hefner Hoagland
Jacobson Johnson, L. Johnson, V. Kahle Lamb
Lundy Marsh McDonald Newell Peterson, H.
Peterson, R. Remmers Schmit Vickers Von Minden
Wagner Warner Withem

Present and not voting, 6:

Beutler Clark Eret Higgins Pirsch
Wesely

Excused and not voting, 4:

Carsten DeCamp Haberman Scofield

The Chambers amendment to the Standing Committee amendment lost with 11 ayes, 28 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Laid over.

LEGISLATIVE BILL 960. Title read. Considered.

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment, AM1792, found in the Journal on page 637 for the Seventeenth Day was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Speaker Nichol offered the following amendment:
Page 2 line 4 after "colleges" add "community technical colleges".

Messrs. Beyer, Von Minden, Clark, Mesdames Pirsch, and Morehead asked unanimous consent to be excused. No objections. So ordered.

The Nichol amendment lost with 9 ayes, 17 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 2 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 960A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 568 and 568A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 568

The following changes, required to be reported for publication in the Journal, have been made:
ER0165
1. On page 2, line 14, "Postsecondary" has been struck and "for Postsecondary Education" has been inserted after "Commission"; in line 20 "education" has been inserted after "vocational"; and in line 22 "this act" has been struck and "the Vocational Education Incentive Funding Act" has been inserted.
2. On page 4, in lines 6, 8, and 9, "Level" has been struck and "level"

inserted; in lines 7, 8, and 10, "vocational education" has been inserted before "programs"; in line 11 "(3)" has been inserted before "If"; and in line 12 "of" has been struck and "provided in" has been inserted.

(Signed) Mary Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LR 258 in the Journal. No objections. So ordered.

1. In the fifth "WHEREAS" section, strike the last "and".
2. In the sixth "WHEREAS" section, strike the period after the last "states" and insert:

"; and

"WHEREAS, lack of a uniform alcohol purchasing age of twenty-one among Nebraska and its adjoining states will lead to increased law enforcement costs in Nebraska and its adjoining states to avoid such increased traffic deaths and accidents."

VISITORS

Visitors to the Chamber were Carol Van Pelt from Grand Island; Jim Cook from Mills; Frank Bartak from Merna; Howard Hardy from Fairbury; and Sheriff Deterding from North Platte.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Thursday, February 16, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 16, 1984

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 16, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend John Brogaard, Hope Lutheran Church, South Sioux City, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Hoagland, Pappas, and Rupp who were excused; and Messrs. Abboud, Beutler, Goodrich, Haberman, V. Johnson, Lamb, Landis, Schmit, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 949, line 17, strike "16" and insert "18".
The Journal for the Twenty-Seventh Day was approved as corrected.
The Journal for the Twenty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 690. Placed on Select File as amended.
E & R amendment to LB 690:
AM5265

1. On page 2, strike beginning with "is" in line 13 through "being" in line 14, show as stricken, and insert "shall mean"; in line 16 strike "such" and show as stricken; and in line 20 strike the first "and" and after "brothers" insert an underscored comma.

LEGISLATIVE BILL 750. Placed on Select File as amended.

E & R amendments to LB 750:
AM5271

1. On page 3, line 6, after “service” insert “(a)”; in line 8 strike beginning with “and” through “service”, show as stricken, and insert “(b)”; in line 11 strike the first “and”, show as stricken, and insert “(c)”; in line 12 strike “and”, show as stricken, and insert “(d)”; in line 13 strike “and”, show as stricken, and insert “, (e)”; in line 15 after “and” insert “(f)”; in line 19 after the first “of” insert “(a)”; in line 22 strike beginning with “and” through the first “of” show as stricken, and insert “(b)”; and strike beginning with “and” in line 25 through the first “of” in line 26, show as stricken, and insert “(c)”.

2. On page 4, strike beginning with “shall” in line 3 through “of” in line 4, show as stricken, and insert “(d)”.

3. On page 6, line 1, strike “years”, show as stricken, and insert “years’”.

LEGISLATIVE BILL 752. Placed on Select File as amended.
E & R amendments to LB 752:
AM5272

1. On page 1, line 3, after “certain” insert “retirement and”.

2. On page 2, line 25, strike the comma and show as stricken.

3. On page 3, in lines 2 and 8, strike the semicolon and show as stricken; in lines 3 and 11 strike the first comma and show as stricken; and in line 9 strike “where”, show as stricken, and insert “when”.

4. On page 4, in lines 5 and 18, strike the comma and show as stricken.

LEGISLATIVE BILL 653. Placed on Select File as amended.
E & R amendment to LB 653:
AM5273

1. On page 2, line 7, strike “the”; and in line 8 strike “the term” and insert a comma.

LEGISLATIVE BILL 768. Placed on Select File as amended.
E & R amendments to LB 768:
AM5274

1. On page 1, line 3, strike “students” and insert “pupils”.

2. On page 2, line 9, strike the comma and

show as stricken and after the second "or" insert "been".

3. On page 3, in lines 13 and 18, strike "shall have", show as stricken, and insert "has".

LEGISLATIVE BILL 985. Placed on Select File as amended.
E & R amendments to LB 985:
AM5275

1. On page 1, line 4, after "provide" insert "powers and".

2. On page 2, line 6, strike "to such fund" and show as stricken; and in line 20 strike "appropriations" and insert "appropriation".

3. On page 3, line 6, after "Act" insert "and the Nebraska Capital Construction Act".

LEGISLATIVE BILL 1000. Placed on Select File as amended.
E & R amendment to LB 1000:
AM5276

1. On page 2, line 5, strike the comma and show as stricken; and in line 8 strike the second "and" and show as stricken.

(Signed) Rod Johnson, Chairperson

REPORT

Received report of statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for January from the Department of Roads pursuant to Section 66-476, R.S. Supp. 1980.

UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendments to LB 963 in the Journal. No objections. So ordered.

AM2020

1. On page 2, lines 5 and 19, page 3, line 2, page 4, lines 9 and 22, strike "6" and insert "5".

2. Strike original section 4.

3. On page 6, line 7, strike the first comma and insert "and" and strike ", and"; in line 8 strike "state"; strike beginning with "salary" in line 13 through the comma in line 15; in line 21 strike the first comma and insert "and" and strike ", and state"; and in line 24 after "81-1401" insert ", except that it

shall not include deputy state sheriffs".

4. On page 7, line 2, after the first comma insert "and" and strike "and 81-1428,".

5. Renumber remaining sections accordingly.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 253.

RESOLUTION

LEGISLATIVE RESOLUTION 257. Read. Considered.

LR 257 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 258. Considered.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 961. No objections. So ordered.

Mr. Warner renewed his pending amendment found in the Journal on page 983.

The Warner amendment was adopted with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

LR 258 was adopted with 33 ayes, 1 nay, 6 present and not voting, and 9 excused and not voting.

MOTION - Place LR 225CA on General File

Miss Kilgarin renewed her pending motion to place LR 225CA on General File notwithstanding the committee action found in the Journal on page 866.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Newell requested a record vote on the Kilgarin motion.

Voting in the affirmative, 13:

Chambers Eret Johnson, R. Johnson, V. Kilgarin
Landis McDonald Morehead Newell Pirsch
Scofield Wesely Withem

Voting in the negative, 27:

Abboud Barrett Beutler Beyer Carsten
Chronister Clark Fenger Goll Goodrich
Haberman Hefner Jacobson Johnson, L. Kahle
Labedz Lamb Lundy Marsh Peterson, H.
Peterson, R. Remmers Sieck Vickers Von Minden
Wagner Warner

Present and not voting, 2:

Harris Nichol

Excused and not voting, 7:

DeCamp Hannibal Higgins Hoagland Pappas
Rupp Schmit

The Kilgarin motion lost with 13 ayes, 27 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 968. Placed on General File.
LEGISLATIVE BILL 1071. Placed on General File.

LEGISLATIVE BILL 727. Placed on General File as amended.
Standing Committee amendments to LB 727:
AM2002

1. On page 2, line 4, strike the new matter; in line 5, strike the underscored comma, reinstate "and", and strike ", or withdraw"; in line 6 strike "from"; in line 8 strike the underscored semicolon; and in line 11 after the period insert "From the effective date of this act until two years after the effective date of this act, it shall also be the duty of the Attorney General, when requested by a legislative resolution, to withdraw from any and all actions affecting the rights of Nebraska water users in

interstate streams against appropriations in any other state and to take such steps as in his or her judgment are required to protect any and all interests or appropriators of water within this state in such cases.”.

2. Insert the following new section:

“Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

LEGISLATIVE BILL 825. Placed on General File as amended.

Standing Committee amendments to LB 825:

AM1928

1. On page 5, line 18, strike “or” and show as stricken; in line 19 after “or” insert “a United States Government Certificate of Release of a motor vehicle, or”; and in lines 21 through 23, strike the new matter and reinstate the stricken matter.

2. On page 6, line 5, reinstate “All such fees”; and in lines 5 through 9 strike the new matter.

3. Strike original sections 3, 10, and 11.

4. On page 25, lines 1 and 2, reinstate the stricken matter.

5. On page 30, strike lines 10 through 17; and in lines 18 and 25 strike the new matter and reinstate the stricken matter.

6. On page 31, lines 2, 6, 20, 22, and 23; page 32, lines 9 and 16; page 33, lines 5, 13, and 22; page 34, lines 10, 16, and 23; page 35, lines 4 and 14; and page 36, lines 10, 13, 15, 18, and 27, strike the new matter and reinstate the stricken matter.

7. On page 32, line 22, strike the new matter and reinstate “(11)”; and in line 24, after “state” insert “, except such vehicles as are eligible for registration pursuant to section 60-305.09,”.

8. On page 33, line 8, strike “(12)” and reinstate “(11)”.

9. On page 36, line 6, strike “(21)” and reinstate “(20)”.

10. On page 37, lines 22 and 23, strike the new matter.

11. On page 38, line 4, after “thereof” insert “annually”; in line 5 strike the new matter; and in line 13 strike “shall” and insert “may”.

12. On page 39, lines 6, 9, 16, 20, and 22,

strike the new matter and reinstate the stricken matter.

13. On page 40, line 3, strike "(32)" and insert "(31)"; in line 13 strike "(33)" and insert "(32)"; and in line 14 strike the new matter and insert ", and sections 19 to 22, 29, 31, and 34 of this".

14. On page 41, line 22, strike "in all legal actions".

15. On page 47, line 10, strike "shall" and insert "may".

16. On page 61, line 6, strike "23" and insert "19"; in line 12 strike "occurances" and insert "occurrences"; and in line 25 after the semicolon insert "or".

17. On page 62, strike beginning with "Any" in line 16 through the period in line 18; in line 26 strike "; or" and insert an underscored period; and strike line 27.

18. On page 63, strike lines 1 through 5.

19. On page 65, line 21, strike "33" and insert "29".

20. On page 72, line 21, after "name" insert ", except that any dealer or other person, other than the owner of a used mobile home, selling a used mobile home shall not be required to take title but shall complete a buyer's information form approved by the board. The seller of the used mobile home shall be responsible for insuring that the form is prominently displayed in or on the home and that a copy of the form is delivered to the buyer prior to closing the sale of the used mobile home.

The buyer's information form shall include, but not be limited to, the following information (a) name and address of the record owner of the mobile home, (b) model, (c) year, and (d) serial number"; and in line 23 strike "buying and".

21. On page 73, lines 7 and 9, strike "buyer or".

22. On page 75, line 6, after the second comma insert "or"; strike beginning with the comma in line 9 through "act" in line 11; in line 18 strike "punitive"; and in line 19 strike "damages" and insert "court costs and attorney fees".

23. On page 76, strike lines 4 through 7.

24. On page 80, line 17, strike "23 to 26, 33, 35, and 38" and insert "19 to 22, 29, 31, and 34";

in line 19 strike "60-109,"; and in line 26 strike "60-302, 60-312,".

25. Insert a new section as follows:

"Sec. 40. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

26. Renumber original sections 4 to 9, 12 to 18, and 20 to 43, as sections 3 to 8, 9 to 15, and 16 to 39, respectively.

(Signed) Loran Schmit, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 751. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1852.)

LEGISLATIVE BILL 971. Placed on General File as amended.
Standing Committee amendment to LB 971:
AM1959

1. On page 2, line 24, strike "and" and after "holidays" insert ", and any other leave days"; in line 25 strike "contract" and insert "agreement"; and in line 26 after "employer" insert ". Creditable service shall not include lump sum payments to the employee upon termination or retirement in lieu of accrued benefits for such days".

LEGISLATIVE BILL 855. Indefinitely postponed.
LEGISLATIVE BILL 1094. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

MOTION - Suspend Rules

Mrs. Labedz moved to suspend the rules, Rule 7, Section 7, and reconsider the motion to indefinitely postpone LB 466A.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 466A in the Journal. No objections. So ordered.

AM1978

1. On page 2, in lines 2 and 4, strike "General" and insert "Nongame and Endangered Species Conservation"; in line 3 strike "1983" and insert "1984" and strike "1984" and insert "1985"; in line 4 strike "1984" and insert "1985"; in line 5 strike "1985" and insert "1986"; and in line 7 strike "First Session, 1983" and insert "Second Session, 1984".

Mrs. Pirsch asked unanimous consent to print the following amendment to LR 2 in the Journal. No objections. So ordered.

1. On page 2, strike the second "and" in line 12 and strike "alcohol" in line 13.
2. On page 2, strike beginning with "motor" in line 15 through "aircraft" in line 16 and insert "conveyances".
3. On page 2, line 17, strike beginning with "for" through "year" and insert "as the Legislature may provide".
4. On page 2, line 18, strike beginning with "motor" through "aircraft" and insert "conveyances".
5. On page 3, line 3, strike "and alcohol".
6. On page 3, line 5, strike beginning with "motor" through "aircraft" and insert "conveyances".

RESOLUTION

LEGISLATIVE RESOLUTION 264.

Introduced by Beutler, 28th District.

A RESOLUTION to declare that the Temporary Plan of Operation for the Surplus Property Program prepared by the Department of Correctional Services Federal Property Assistance Section on September 23, 1983, be and hereby is adopted and promulgated by the Legislature as this State's Permanent Plan of Operation for the Federal Surplus Property Program administered by the Department of Correctional Services, as contemplated by Section 203 (j) (4) (A) of the Federal Property and Administrative Services Act of 1949, as amended by Section 1 (1) of Public Law 94-519.

WHEREAS, Section 203 (j) (4) (A) of the Federal Property and Administrative Services Act of 1949, as amended by Section 1 (1) of Public Law 94-519 states that before federally donated property may be transferred to any state agency, said state shall develop, according to state law, a detailed plan of operation developed in conformity with the provisions of said federal statutes; and

WHEREAS, the Department of Correctional Services has adopted and promulgated a Temporary Plan of Operation for the Surplus Property Program dated September 23, 1983, and

WHEREAS, the Department of Correctional Services is designated as the state agency responsible for administering the Federal Surplus Property Program in Nebraska; and

WHEREAS, it is the desire of the State of Nebraska to have a permanent plan of operation contemplated by federal law and the Temporary Plan of Operation for the Surplus Property Program promulgated by the Department of Correctional Services on September 23, 1983, satisfies the intent and purpose of the Federal Property and Administrative Services Act of 1949, as amended by Section 1 (1) of Public Law 94-519, and should be adopted as this State's Permanent Plan,

BE IT RESOLVED that the Temporary Plan of Operation for the Surplus Property Program prepared by the Department of Correctional Services Federal Property Assistance Section of September 23, 1983, be adopted and declared by the Legislature as this State's Permanent Plan for the administration of Federal Surplus Property as developed by this Legislature.

Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 15, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Apking, Sharon - Alexandria, Nebraska Rural Community School Association
Crosby, Guenzel, Davis, Kessner & Kuester:
  Crosby, Robert B. - Lincoln, United Banks of Colorado, Inc.
  Guenzel, Robert C. - Lincoln, United Banks of Colorado, Inc.
  Kuester, William D. - Lincoln, United Banks of Colorado, Inc.
Cutshall, Bruce A. - Lincoln, (Withdrawn 2/9/84) Donnelley Marketing Data Processing Operations
Dial, Charles - Omaha, Nebraska State AFL-CIO
Litjen, Thomas R. - Omaha, Governors of the Knights of Ak-Sar-Ben; Hospital Mutual Insurance Company; Joslyn Liberal Arts Society
O'Hara, Paul V. - Lincoln, Pester Refining Company
Rasmussen, Del - Lincoln, Lakeview Rural High School; Northwest

High School (Hall County)

MOTION - Place LB 675 on General File

Mr. Fenger renewed his pending motion to place LB 675 on General File notwithstanding the Committee action found in the Journal on page 937.

Mr. Fenger moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Fenger requested a roll call vote on his motion.

Voting in the affirmative, 26:

Abboud	Barrett	Beyer	Chambers	Chronister
Clark	Eret	Fenger	Goll	Goodrich
Hefner	Jacobson	Johnson, L.	Johnson, R.	Kahle
Lamb	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Vickers	Von Minden	Wagner	Warner
Withem				

Voting in the negative, 14:

Beutler	Carsten	Haberman	Higgins	Johnson, V.
Kilgarin	Labedz	Landis	Lundy	McDonald
Newell	Scofield	Sieck	Wesely	

Present and not voting, 2:

Harris	Morehead

Excused and not voting, 7:

DeCamp	Hannibal	Hoagland	Marsh	Pappas
Rupp	Schmit			

The Fenger motion lost with 26 ayes, 14 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 1028. E & R amendments, AM5269, found in the Journal on page 958 for the Twenty-Eighth Day were adopted.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Barrett requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 13A. Title read. Considered.

Miss Kilgarin renewed her pending amendment, AM1699, found in the Journal on page 510.

The Kilgarin amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for Review with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 13. E & R amendments, AM5201, printed separate from the Journal and referred to on page 518 for the Twelfth Day were adopted.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler and Miss Kilgarin renewed their pending amendment, AM1943, found in the Journal on page 907.

The Beutler-Kilgarin amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Clark requested a machine vote on the advancement of the bill.

Mr. Beutler moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Advanced to E & R for Engrossment with 25 ayes, 11 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 152. Placed on Select File as amended.
E & R amendments to LB 152:
AM5277

1. For purposes of correlation with section 11, LB 540, on page 2, line 16, strike "; PROVIDED," and insert ", except that (1) the board may negotiate directly with sheltered workshops pursuant to section 3 of this act and (2)"; in line 18 strike the comma; in line 20 strike "said" and insert "the"; and in line 25 strike "then".

2. On page 2, line 3, strike "shall enter", show as stricken, and insert "enters"; in line 6 strike the third "or", show as stricken, and insert "any"; in line 7 strike the second comma and show as stricken; in line 8 strike the first comma and show as stricken; in line 14 strike "shall exceed", show as stricken, and insert "exceeds"; in line 19 strike the comma and show as stricken and strike "relating" and show as stricken; in line 20 strike the comma and show as stricken and strike "shall" and show as stricken; and in lines 23 and 26 strike the comma and show as stricken.

3. On page 3, line 11, strike the comma and show as stricken; in line 18, strike the second "or", show as stricken, and insert "any"; and in line 24 strike "then" and show as stricken.

4. In the Standing Committee amendments, AM0893, adopted February 14, 1984, on page 1, in lines 1 and 4, strike "a" and insert "an underscored"; and in line 5 strike the comma.

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Governor Appointment Lovie D. Broadus - State Personnel Board	February 23, 1984	1:30 p.m.

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 911.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 911

The following changes, required to be reported for publication in the Journal, have been made:
ER0166
1. In lieu of the Beutler amendment adopted February 14, 1984, on page 2, line 10, ", a resolution," has been inserted after "ordinance".

(Signed) Mary Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Add Co-Introducers

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 1093. No objections. So ordered.

Miss Kilgarin asked unanimous consent to have her name added as co-introducer to LB 769. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 902. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 1126	Thursday, February 23, 1984	1:30 p.m.

(Signed) Jerome Warner, Chairperson

SELECT FILE

LEGISLATIVE BILL 591. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 453. Mr. L. Johnson renewed his pending amendment found in the Journal on page 623.

The L. Johnson amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. H. Peterson moved to indefinitely postpone LB 453.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. H. Peterson requested a roll call vote on his motion to indefinitely postpone LB 453.

Voting in the affirmative, 20:

Carsten
Chambers
Clark
Hefner
Higgins
Jacobson
Johnson, R.
Kahle
Kilgarin
Landis
Lundy
McDonald
Newell
Nichol
Peterson, H.
Remmers
Scofield
Sieck
Von Minden
Wesely

Voting in the negative, 17:

Abboud
Beutler
Beyer
Chronister
Eret
Fenger
Goll
Goodrich
Hannibal
Harris
Johnson, L.
Johnson, V.
Morehead
Peterson, R.
Vickers
Wagner
Warner

Present and not voting, 2:

Lamb
Withem

Excused and not voting, 10:

Barrett
DeCamp
Haberman
Hoagland
Labedz
Marsh
Pappas
Pirsch
Rupp
Schmit

The H. Peterson motion to indefinitely postpone lost with 20 ayes, 17 nays, 2 present and not voting, and 10 excused and not voting.

Mr. Clark requested a machine vote on the advancement of the bill.

Mr. L. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 17:

Abboud Beutler Chronister Eret Fenger
Goll Goodrich Hannibal Harris Johnson, L.
Johnson, V. Lamb Morehead Peterson, R. Vickers
Wagner Warner

Voting in the negative, 21:

Beyer Carsten Chambers Clark Hefner
Higgins Jacobson Johnson, R. Kahle Kilgarin
Landis Lundy McDonald Newell Nichol
Peterson, H. Remmers Scofield Sieck Von Minden
Wesely

Present and not voting, 1:

Withem

Excused and not voting, 10:

Barrett DeCamp Haberman Hoagland Labedz
Marsh Pappas Pirsch Rupp Schmit

Failed to advance to E & R for Engrossment with 17 ayes, 21 nays, 1 present and not voting, and 10 excused and not voting.

The Chair declared the Call raised.

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

LB 1127 Monday, February 27, 1984 1:30 p.m.

(Signed) George Fenger, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 769. Placed on General File.
LEGISLATIVE BILL 799. Placed on General File.

LEGISLATIVE BILL 800. Placed on General File as amended.
Standing Committee amendment to LB 800:
AM1996

1. On page 1, strike lines 3 through 7 and insert "same as the term stated capital as defined in section 21-2002.".

LEGISLATIVE BILL 830. Placed on General File as amended.
Standing Committee amendment to LB 830:
AM2027

1. On page 2, line 10, after "conducted" insert "prior to January 1, 1988,".

LEGISLATIVE BILL 701. Indefinitely postponed.

(Signed) Calvin Carsten, Chairperson

Education

LEGISLATIVE BILL 931. Placed on General File as amended.
Standing Committee amendments to LB 931:
AM1840

1. On page 3, line 21, strike "which" and insert "who".
2. On page 4, strike beginning with "enrollment" in line 3 through the second "or" in line 4 and insert "there shall be three enrollment periods, including: (a) Summer school; (b) fall semester; and (c)"; in line 10 after the second "of" insert "verified"; in line 11 after the comma insert "and upon application to the State Department of Education,"; and in line 21 after "science" insert "endorsement".

(Signed) Tom Vickers, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1127 and the following Governor's Appointments.

LB	Committee
1127	Public Health and Welfare

Public Health and Welfare

Dr. Craig B. Nelson - Board of Health

James W. Kenney - Board of Health
Dr. Peter R. Kongstvedt - Board of Health
Lynn A. Roper - Board of Health
Larry B. Bartels - Board of Health
Arlene Rhodes - Board of Health

Government, Military & Veterans Affairs
Lovie D. Broadus - Personnel Board

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 1028.

(Signed) Rod Johnson, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 772A. By Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 772, Eighty-eighth Legislature, Second Session, 1984; to appropriate funds to certain institutions of higher education; and to declare an emergency.

ANNOUNCEMENTS

Mr. Landis announced the Government, Military & Veterans Affairs Committee will hold their hearings on February 23 in room 2230, rather than 1113.

Mr. Hefner announced the Miscellaneous Subjects Committee will hold their hearings on February 23 & 24 in room 1520, rather than 1117.

Mr. Abboud designates LB 902 as his priority bill.

Mr. Barrett designates LB 776 as his priority bill.

Mr. Beutler designates LB 426 as his priority bill.

Mr. Beyer designates LB 807 as his priority bill.

Mr. Carsten designates LB 962 as his priority bill.

Mr. Chronister designates LB 1064 as his priority bill.

Mr. Eret designates LB 904 as his priority bill.

Mr. Goodrich designates LB 803 as his priority bill.

Mr. Haberman designates LB 1076 as his priority bill.

Mr. Hannibal designates LB 993 as his priority bill.

Mr. Harris designates LB 645 as his priority bill.

Mr. Hefner designates LB 852 as his priority bill.

Mrs. Higgins designates LB 694 as her priority bill.

Mr. Jacobson designates LB 682 as his priority bill.

Mr. L. Johnson designates LB 830 as his priority bill.

Mr. R. Johnson designates LB 1093 as his priority bill.

Mr. V. Johnson designates LB 112 as his priority bill.

Mr. Kahle designates LB 886 as his priority bill.

Miss Kilgarin designates LB 769 as her priority bill.

Mr. Lamb designates LB 671 as his priority bill.

Mr. Landis designates LB 916 as his priority bill.

Mr. McDonald designates LB 360 as his priority bill.

Mr. Newell designates LB 809 as his priority bill.

Mr. H. Peterson designates LB 667 as his priority bill.

Mr. R. Peterson designates LB 832 as his priority bill.

Mrs. Pirsch designates LB 941 as her priority bill.

Mr. Remmers designates LB 931 as his priority bill.

Mr. Rupp designates LB 915 as his priority bill.

Mr. Schmit designates LB 983 as his priority bill.

Ms. Scofield designates LB 742 as her priority bill.

Mr. Sieck designates LB 888 as his priority bill.

Mr. Vickers designates LB 909 as his priority bill.

Mr. Von Minden designates LR 235 as his priority bill.

Mr. Warner designates LB 530 as his priority bill.

Mr. Wesely designates LB 903 as his priority bill.

Mr. Withem designates LB 908 as his priority bill.

The Agriculture and Environment Committee designates LB 1078 as their priority bill.

The Appropriations Committee designates LB 880 as their priority bill.

The Business and Labor Committee designates LB 829 as their priority bill.

The Education Committee designates LB 994 as their priority bill.

The Government, Military and Veterans Affairs Committee designates LB 975 as their priority bill.

The Miscellaneous Subjects Committee designates LB 949 as their priority bill.

The Public Health and Welfare Committee designates LB 724 as their priority bill.

The Public Works Committee designates LB 1106 as their priority bill.

The Revenue Committee designates LB 891 as their priority bill.

The Constitutional Revision and Recreation Committee designates LR 244CA as their priority bill.

The Urban Affairs Committee designates LB 925 as their priority bill.

The Nebraska Retirement Systems Committee designates LB 1019 as their priority bill.

The Special Commonwealth Committee designates LB 1026 as their priority bill.

The Administrative Rules and Regulations Review Committee designates LB 762 as their priority bill.

The Performance Review and Audit Committee designates LB 840 as their priority bill.

VISITORS

Visitors to the Chamber were fifty-three eighth graders and teacher from the Cathedral of the Risen Christ, Lincoln; thirty-six Northeast Technical Community College students and teacher from Norfolk; and ten seniors and teacher from Exeter High School.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Tuesday, February 21, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 21, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 21, 1984

Pursuant to adjournment, the Legislature met at 9:05 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend Loren Presley, North West Berean Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused; and Messrs. Abboud, Barrett, Beutler, Beyer, Carsten, Clark, Haberman, Hoagland, V. Johnson, Nichol, Remmers, Rupp, Schmit, Warner, Mesdames Higgins, Labedz, Marsh, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 372. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM5283.)

LEGISLATIVE BILL 372A. Placed on Select File as amended.
E & R amendments to LB 372A:
AM5282

1. On page 1, line 3, strike "First" and insert "Second" and strike "1983" and insert "1984".

2. On page 2, line 3, strike "1983" and insert "1984"; in line 4 strike "1984" and insert

"1985"; in line 5 strike "1984" and insert "1985"; in line 6 strike "1985" and insert "1986"; in line 9 strike "First" and insert "Second" and strike "1983" and insert "1984"; in line 13 strike "1983" and insert "1984" and strike "1984" and insert "1985"; and in line 15 strike "1984" and insert "1985" and strike "1985" and insert "1986".

LEGISLATIVE BILL 1056. Placed on Select File as amended.
E & R amendment to LB 1056:
AM5278

1. On page 2, line 12, after "Lancaster" insert "County"; and in line 14 after "cities" insert an underscored comma.

LEGISLATIVE BILL 758. Placed on Select File as amended.
E & R amendments to LB 758:
AM5279

1. On page 2, line 14, strike the comma and show as stricken; and in line 22 strike the first comma and show as stricken.
2. On page 3, in lines 4 and 13, strike the semicolon, show as stricken, and insert an underscored period; in line 8 after "tax" insert an underscored comma; in line 16 strike "; and", show as stricken, and insert an underscored period; and in line 20 strike the comma and show as stricken.
3. On page 5, in lines 13 and 19, strike the comma and show as stricken; in line 24 strike the second comma and show as stricken; and in line 26 strike "or" and show as stricken.
4. On page 6, line 3, after "later" insert an underscored comma; and in line 27 strike the comma and show as stricken.
5. On page 7, line 1, strike the third "or" and show as stricken; in line 9 strike the second comma and show as stricken; in line 10 after "or" insert an underscored comma; in line 22 strike both commas and show as stricken; and in line 23 strike the comma and show as stricken.
6. On page 8, line 3, strike the comma and show as stricken; in line 10 after "on" insert an underscored colon and strike "sales", show as stricken, and insert "Sales"; and in line 15 strike "on" and show as stricken.

LEGISLATIVE BILL 967. Placed on Select File as amended.
E & R amendment to LB 967:
AM5280

1. On page 2, line 17, strike "be"; in line 18 after "reasonably" insert "be"; and in line 20 strike "state".

LEGISLATIVE BILL 919. Placed on Select File as amended.
E & R amendment to LB 919:
AM5281

1. On page 1, strike beginning with "reversal" in line 3 through "settlements" in line 4 and insert "rights of revocation, charge-back, and refund".

LEGISLATIVE BILL 923. Placed on Select File.

(Signed) Rod Johnson, Chairperson

MESSAGE FROM THE GOVERNOR

February 17, 1984

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 670, 681, 663, 977, 623 and 686 were received in my office on February 14, 1984.

These bills were signed by me on February 17, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

ATTORNEY GENERAL'S OPINIONS

Opinion No. 192
February 15, 1984

Dear Senator Kilgarin:

This is in response to your letter of February 10, 1984, concerning LB 917. Specifically you ask whether a public power district is included within the legal definition of "agency" as that term is used in section 2 of LB 917 amending Neb.Rev.Stat. §48-818.

The relevant portion of section 2 of LB 917 provides as follows:

> No order entered by the commission pursuant to this section which affects terms or economic conditions of employees of the State of Nebraska, including the University of Nebraska and the Nebraska state colleges, shall be effective unless and until the order has been approved by the Legislature.

A public power district is a public corporation and a political subdivision of the state. York County Rural Public Power Dist. v. O'Connor, 172 Neb. 602, 111 N.W. 2d 376 (1961). The term "agency" as it is commonly used in this state normally refers to a specialized branch of central state government which exercises functions concerning the entire State of Nebraska. Although there is no law specifically on point, an independent political subdivision, whether it be a county board or public power district, would not be included within this definition of a state agency.

This would particularly seem true in regard to the relevant provision of LB 917. The obvious legislative intent of this provision concerns those entities of state government whose funds are appropriated by the State Legislature. Clearly, this would not include a public power district.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 193
February 17, 1984

Dear Senator Haberman:

In your letter of December 8, 1983, you indicated a desire to introduce legislation to repeal or amend sections of LB 302 (1983) dealing with the tax imposed on users of "special fuels" who have their own storage facilities for such fuels. You request our opinion as to the constitutionality of the classification in the existing legislation, the constitutionality of the proposed classification, and the necessity of the proposed change in order to withstand a constitutional challenge to the validity of such legislation.

Our response must necessarily begin, however, with our general confidence in the legislature's ability under the Constitution to specially tax users of special fuels (generally, diesel fuel and propane). From our reading of the legislative history of LB 302, it is apparent that the section imposing the tax/permit fee was intended to prevent a special fuels user who had his own storage facilities from escaping tax liability which he would have paid to a retailer had he bought the fuel from the pump. At the retail level, other highway users are taxed according to the amount of fuel they use, thus, by the amount of their usage of the highways. Article III, Section 18 of the Nebraska Constitution, as interpreted by the Nebraska Supreme Court requires that any such classification be based upon "real and substantial differences" and that a rational basis for the classification is afforded by that difference. State v. Emmunds, 211 Neb. 380, 318 N.W.2d 859 (1982). Here, since fuel users were escaping tax liability by using their own storage facilities, it seems rational that they be subject to special permit fee.

However, the method of taxation employed under LB 302 appears constitutionally suspect. As enacted in Neb.Rev.Stat. §66-644 (Supp. 1983), the tax is to be based upon the weight of the user's vehicle. Since fuel taxes are essentially user fees, that section's taxation according to the weight of the user's vehicle does not adequately reflect the amount of fuel used by the vehicle on the state's highways. For example, the owner of a heavy feed truck which was used only one or two times per year would be forced to pay a much larger tax for that truck if he had his own storage facilities than if he paid his fuel taxes at a retail station. Further, that same truck would be subject to much greater liability under the present classification system than would a diesel passenger car which was on the highways a great deal, but was fueled from the user's own tanks. The notion that, the heavier the vehicle, the more fuel used, does not account for the great variances in mileage among such vehicles. "State laws are accorded a presumption of validity," Parker v. Roth, 202 Neb. 850, 278 N.W.2d 106 (1979). However, the tax paid here hears no apparent relationship to the amount of fuel used. Therefore, the present method of taxation does not appear to be a constitutionally permissible classification scheme because a difference in weight is not a rational basis for the classification.

In response to your second question, concerning the proposed legislation, we feel that making the amount paid by a special fuel user corresponding to the amount of fuel actually used would cure any potential constitutional problems with the legislation. Since this would more directly connect the tax with the user's highway use, it would have a rational basis which would be constitutionally valid.

In response to your final question, since we feel that the present classification is constitutionally suspect, we are of the opinion that the proposed change in classification would preclude any constitutional challenge to the tax imposed on users of "special fuels."

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Henry M. Grether, III
Assistant Attorney General

HMG:laj
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 194
February 14, 1984

Dear Senator Warner:

This letter is in response to your earlier correspondence in which you requested our opinion as to certain matters involving LB 805. Specifically, you asked whether the committee amendments to LB 805, which provide for an advisory role by the Nebraska Power Review Board in the event of any disagreement among parties to an agreement formulated under LB 805, render either the state or federal antitrust exemption provided for in the bill ineffective or invalid. Our conclusions are set forth below.

LB 805 basically allows various suppliers of electric power and energy, including public power districts, individual municipalities, cooperatives and others, to enter into written agreements among themselves which prohibit, limit or set conditions upon the rights of the parties to the agreement to sell power and energy at wholesale to other entities or which require parties to the agreement to purchase power and energy from other entities. Section 1 of LB 805 specifically provides that it is the public policy of this state to provide its citizens with adequate electric service at as low an overall cost as possible, and that in furtherance of such policy, it is necessary to avoid and eliminate conflict and competition among suppliers of electric power and energy and to avoid duplication of facilities and resources which result from such conflict and competition. Section 3 of LB 805 provides that before any such agreement among entities providing power or energy shall become effective, it shall be submitted to and approved by the Nebraska Power Review Board. In connection with such approval, the Power Review Board shall determine whether the agreement in question is in furtherance of the public policy of this state as set forth in Section 1 of the bill. The Power Review Board may also make such investigation as it determines necessary, give notice to parties affected by the agreement in question, and hold a hearing if it determines one to be desirable. Section 5 of LB 805 provides that parties entering into agreements as authorized by the bill shall receive a full exemption and immunity from state and federal antitrust laws.

Section 4 of LB 805, as it was originally introduced, provides that in the event of a disagreement among the parties to an agreement authorized by the bill, a party to the agreement may file a written complaint with the Nebraska Power Review Board requesting that board to hear the complaint and issue an order for settlement of the disagreement. Section 4 of LB 805 also originally required the Power Review Board to hear the complaint and issue an order for disposition of the dispute. The committee amendments to Section 4 of LB 805 continue to allow the Nebraska Power Review Board to hold a hearing concerning any matter in disagreement among the parties to a power and energy agreement. However, under the committee amendments, the recommendations of the Nebraska Power Review Board for ultimate disposition of the matter in disagreement are advisory only. The question considered in this opinion is whether this change in the role of the Power Review Board in regard to disagreements involving parties to an energy agreement makes the antitrust exemption contained in LB 805 ineffective or invalid.

Our state antitrust laws are primarily contained in the provisions of the Junkin Act, Neb.Rev.Stat. §59-801 et seq. (Reissue 1978) and the Nebraska Consumer Protection Act, Neb.Rev.Stat. §59-1601 et seq. (Reissue 1978). Since these various state antitrust provisions are statutory creations of the Legislature, we would assume that the Legislature can act to exempt certain transactions from coverage by the statutes. Indeed the Nebraska Consumer Protection Act already contains a specific statutory exemption for certain types of transactions. See, Neb.Rev.Stat. §59-1617 (Reissue 1978). Accordingly, it would seem to us that the exemption provisions contained in LB 805 would provide an exemption from the state antitrust laws regardless of the power or authority given to the Nebraska Power Review Board. Immunity from the federal antitrust laws, however, requires further analysis.

The type of agreement envisioned by LB 805 would appear most likely to contravene the provisions of the Sherman Antitrust Act, 15 U.S.C. §1 et seq. Among other things, the Sherman Act prohibits contracts or conspiracies in restraint of trade, and monopolies or attempts to monopolize trade or commerce. There is some federal case law which indicates that a state may not give immunity to those who violate the terms of the Sherman Act by simply authorizing them to violate it or by declaring that their action is lawful. Schwegmann Brothers v. Calvert Distillers Corporation, 341 U.S. 384 (1951); California Liquor Dealers v. Midcal Aluminum, 445 U.S. 97 (1980). However, there is a series of cases beginning with Parker v. Brown, 317

U.S. 341 (1943), which establishes the so-called "state action immunity" in those instances where a certain activity is compelled by the direction of the state acting as a sovereign. The most recent case in this series of opinions which has application to the present question is *California Liquor Dealers v. Midcal Aluminum, supra*. In that case, the United State Supreme Court considered the legality of a wholesale wine pricing system which allowed wine producers in California to set wholesale prices of wine for separate regions within the state. The privately set prices were enforced by the California Department of Alcoholic Beverage Control. In *Midcal*, the Supreme Court indicated that there were two requirements for antitrust immunity under the *Parker* doctrine. First of all the challenged restraint must be "one clearly articulated and affirmatively expressed as state policy." *Id*. at 105. Second, the restraint must be "actively supervised" by the state itself. *Id*. at 105. In *Midcal*, the wholesale pricing system was held to be illegal because the State of California did not actively involve itself in supervision of the pricing decisions.

It appears to us that LB 805 with the committee amendments included meets the test for state action immunity as set forth in the *Midcal* case. Section 1 of LB 805 clearly sets forth an affirmative state policy to replace competition among suppliers of electric power and energy with some form of agreed allocation of territories and customers. This section would satisfy the first part of the *Midcal* test. Section 3 of LB 805 provides that no agreement among suppliers of electric power and energy shall become effective until that agreement is submitted to and approved by the Nebraska Power Review Board. That section further requires that the Nebraska Power Review Board shall determine whether the agreement in question is in furtherance of the public policy set forth in Section 1 of the bill. These provisions would appear to satisfy the second part of the *Midcal* test which requires that the policy to replace competition be actively supervised by the state. With these provisions intact, the committee amendments which make the role of the Power Review Board advisory only in connection with disagreements under energy and power agreements would appear to have little bearing on the question of antitrust immunity. Consequently, it is our view that the committee amendments to LB 805 will not render ineffective or invalid either the state or the federal antitrust exemption provided for in that bill.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

DAC:cw

cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 222 in the Journal. No objections. So ordered.

AM2036

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. That section 16-1015, Revised Statutes Supplement, 1983, be amended to read as follows:

16-1015. Each retirement committee established pursuant to section 16-1014 ~~shall consist of members from both the police force and designees of the city council. The committee~~ shall consist of six members of which four members shall be selected by the officers from the police force of the city. Two members shall be designated by the city council. The members who are not participants in such retirement system shall have a general knowledge of retirement plans. Members of the governing body of such city, active members of the police department, and members of the general public may serve on the retirement committee. The committee members shall be appointed to four-year terms. Vacancies shall be filled for the remainder of the term by a person with the same representation as his or her predecessor. Members of the retirement committee shall receive no salary and shall not be compensated for expenses.

Sec. 2. That original section 16-1015, Revised Statutes Supplement, 1983, is repealed.".

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 1019. Placed on General File as amended.
Standing Committee amendments to LB 1019:
AM2037

1. On page 2, line 13; page 7, line 3; page 8, line 5; page 14, line 22; and page 16, line 4, strike "fifty- nine" and insert "fifty- eight".

2. On page 2, line 3, strike "primary" show

as stricken, and insert "primary-class".

3. On page 11, lines 1, 8, and 16; page 16, line 14; page 17, lines 1, 11, 13, 19, and 21; page 18, lines 2, 16, 17, 23, and 25; and page 19, lines 3 and 6, after "firefighter" insert "or police officer".

4. On page 12, lines 2 and 3, and 22, strike "one half" and insert "six-tenths".

5. On page 15, line 1, strike "primary class", show as stricken, and insert "primary-class".

6. On page 16, line 12, after "firefighters" insert "and police officers" and strike "primary" and insert "primary-class"; in line 20 after "officers" insert "and firefighters"; in line 21 strike "and"; and in line 22 strike "all firefighters".

7. On page 17, line 2, strike "primary" and insert "primary-class"; and in line 18 strike "regular".

8. On page 18, line 13, after "firefighter's" insert "or police officer's".

9. On page 19, line 6, strike "therefore" and insert "therefor".

LEGISLATIVE BILL 1118. Placed on General File as amended.
Standing Committee amendment to LB 1118:
AM2038

1. On page 2, lines 21 through 27; and on page 3, lines 1 through 5, strike the new matter and reinstate the stricken matter.

(Signed) Don Wesely, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 257 and LR 258.

RESOLUTIONS

LEGISLATIVE RESOLUTION 265.

Introduced by L. Johnson, 15th District.

WHEREAS, The year 1984 marks the golden anniversary of the adoption of the amendment to the Nebraska State Constitution creating the Nebraska Unicameral Legislature; and

WHEREAS, Nebraska remains as the only state in the Union to have provisions for a legislature with a single chamber; and

WHEREAS, February twenty-second is the anniversary date for the beginning of a statewide campaign in 1934 toward the adoption of the amendment; and

WHEREAS, the adoption of the amendment in November 1934 represented a major development in state government and was accomplished by and through the initiative petition of the voters of the state; and

WHEREAS, during the half century which has now passed since it was formed, the Nebraska Unicameral Legislature, unique and innovative in American state government, has provided a strong, viable, and representative tool and force for the people of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize the strengths provided by the unicameral concept in the continuing search for quality government.
2. That the Legislature invites and urges all Nebraskans to observe the fiftieth anniversary of the grassroots movement for a change in the state's legislative pattern by continuing to diligently guard their decisions in electing men and women of character and competence to the governmental offices of the State of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 266.

Introduced by R. Johnson, 34th District.

WHEREAS, the Harvard High School wrestling team has won first place in the 1984 Class "D" state competition; and

WHEREAS, the winning of such a championship is a demonstration of willingness to endure the hard work and struggle associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the legislature extends its congratulations to the members of the Harvard High School wrestling team and its coach Doug Neilsen.
2. That a copy of this resolution be sent to Coach Neilsen and the members of the Harvard High School wrestling team.

Laid over.

LEGISLATIVE RESOLUTION 261. Read. Considered.

LR 261 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 262. Read. Considered.

LR 262 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 263. Read. Considered.

LR 263 was adopted with 27 ayes, 0 nays, and 22 not voting.

MOTION - Place LB 945 on General File

Mr. Newell renewed his pending motion found in the Journal on page 864 to place LB 945 on General File notwithstanding the committee action.

Mr. Newell moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Newell requested a record vote on his motion.

Voting in the affirmative, 20:

Beutler Chambers Eret Goodrich Hannibal
Higgins Hoagland Kilgarin Labedz Landis
McDonald Morehead Newell Pirsch Rupp
Scofield Vickers Von Minden Wesely Withem

Voting in the negative, 24:

Barrett Beyer Carsten Chronister Clark
Fenger Goll Haberman Hefner Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Lamb
Lundy Marsh Pappas Peterson, H. Peterson, R.
Remmers Sieck Wagner Warner

Present and not voting, 2:

Harris Nichol

Excused and not voting, 3:

Abboud DeCamp Schmit

The Newell motion lost with 20 ayes, 24 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

GENERAL FILE

LEGISLATIVE BILL 318. Title read. Considered.

Mr. Beutler asked unanimous consent to withdraw his pending amendment found in the Journal on page 795. No objections. So ordered.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM1907

1. On page 2, line 7, strike the first "by"; in line 15, after "use" insert "no more than four"; in line 16 after "vehicles" insert "at any given time"; and in line 17 after the period insert "Each administrative troop area as established and in effect on the effective date of this act shall use only one unmarked vehicle for such purpose at any given time.".

Mr. Beutler moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Beutler amendment was adopted with 29 ayes, 12 nays, 5 present and not voting, and 3 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 318.

The Chair declared the Call raised.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a record vote on his motion.

Voting in the affirmative, 19:

Chambers Clark Eret Goodrich Haberman
Hannibal Harris Higgins Jacobson Johnson, R.
Johnson, V. Kilgarin Labedz Lamb Lundy
McDonald Newell Scofield Wagner

Voting in the negative, 25:

Barrett Beutler Beyer Carsten Chronister
Fenger Goll Hefner Hoagland Kahle
Landis Marsh Morehead Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Vickers Von Minden Warner Wesely Withem

Present and not voting, 1:

Johnson, L.

Excused and not voting, 4:

Abboud DeCamp Schmit Sieck

The Chambers motion to indefinitely postpone lost with 19 ayes, 25 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Barrett Beutler Beyer Carsten Chronister
Fenger Goll Hefner Hoagland Landis
Marsh Morehead Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Vickers
Von Minden Warner Wesely Withem

Voting in the negative, 21:

Chambers Clark Eret Goodrich Haberman
Hannibal Harris Higgins Jacobson Johnson, L.
Johnson, R. Johnson, V. Kahle Kilgarin Labedz
Lamb Lundy McDonald Newell Scofield
Wagner

Excused and not voting, 4:

Abboud DeCamp Schmit Sieck

Failed to advance to E & R for Review with 24 ayes, 21 nays, and 4 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS

Public Works

The Committee on Public Works desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

G. Peter Burger - Oil & Gas Conservation Commission

Voting aye: Senators, Schmit, Beyer, Clark, Harris, Lamb, and Withem. Voting nay: None. Absent: Senators DeCamp and Hoagland.

James C. Patee - Motor Vehicle Licensing Board

Voting aye: Senators, Schmit, Beyer, Clark, Harris, Lamb, and Withem. Voting nay: None. Absent: Senators DeCamp and Hoagland.

(Signed) Loran Schmit, Chairperson

Public Health & Welfare

LEGISLATIVE BILL 418. Placed on General File as amended.
Standing Committee amendments to LB 418:
AM2018

1. On page 2, line 10; page 3, line 25; page 4, lines 9 and 13; page 8, line 9; page 11, line 1; and page 17, line 15 strike "sections 1 to 15 of this act" and insert "the Ophthalmic Dispensing Act".

2. Strike original sections 3, 8, and 12 and insert the following new section:

"Sec. 3. As used in sections 1 to 14 of this act, unless the context otherwise requires:

(1) Board shall mean the Board of Examiners in Ophthalmic Dispensing;

(2) Contact lens dispensing shall mean the verification, delivery, and replacement, based on a prescription, of contact lenses and the giving of instructions relating to the use, cleaning, and polishing of contact lenses;

(3) Department shall mean the Department of Health;

(4) Direct supervision shall mean the supervision of an apprentice by an individual licensed under the Ophthalmic Dispensing Act including, but not limited to, personal inspection and evaluation of the apprentice’s work, consultation with, and instruction of the apprentice. The supervising ophthalmic dispenser shall be present, in the ordinary course of business, on the premises where the direct supervision is carried out, except that his or her absence shall be permitted if it is temporary;

(5) Ophthalmic dispensing shall mean any of the following: (a) Contact lens dispensing; (b) spectacle lens dispensing; and (c) the design, verification, and delivery of other specially fabricated optical devices;

(6) Prescription for contact lenses shall mean a written direction from a licensed physician or optometrist for contact lenses which contains, but is not limited to, the following information: (a) Lens power; (b) lens diameter; (c) lens base curve; (d) lens material; (e) maximum daily wearing time; (f) a statement that the ophthalmic dispenser must refer the lens wearer back to the prescribing physician or optometrist for final approval of the contact lens fit; and (g) the expiration date of the prescription;

(7) Prescription for spectacle lenses shall mean a written direction from a licensed physician or optometrist for spectacle lenses and shall contain the refractive power and, when necessary, the vertex distance, cylinder axis, and prism; and

(8) Spectacle lens dispensing shall mean the design, verification, and delivery to the intended wearer, of spectacle lenses, frames, and other specially fabricated optical devices based upon a prescription. It shall include only prescription interpretation, the taking of measurements to determine the size, shape, and specifications of spectacle lenses, frames, or lens forms best suited to the wearer’s needs, the preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear, the verification of the quality of finished ophthalmic products, the adjustment of spectacle lenses or frames to the intended wearer’s face or eyes, and the adjustment, replacement, repair, and reproduction of previously prepared spectacle lenses and frames.

Sec. 11. Contact lenses may be dispensed under the Ophthalmic Dispensing Act only after the contact lens dispenser has been supplied with a valid contact lens prescription written for the person purchasing the contact lenses. Such prescription shall be kept on file by the ophthalmic dispenser as part of the lens wearer's permanent record. It shall be unlawful to dispense contact lenses under the act based on a prescription for spectacle lenses and it shall be unlawful to dispense contact lenses not in conformity with the written contact lens prescription. Duplicate contact lenses may be dispensed until the expiration date of the contact lens prescription. Original or duplicate contact lenses may be dispensed based on an expired contact lens prescription only if the ophthalmic dispenser obtains a written extension of the expiration date from the prescribing physician or optometrist. Such written extension shall contain a new expiration date and shall be kept on file by the ophthalmic dispenser with the lens wearer's permanent record.

(2) Whenever contact lenses are dispensed under the provisions of the Ophthalmic Dispensing Act, the ophthalmic dispenser shall attempt to secure final written approval of the fit of the lenses from the prescribing licensed physician or optometrist. Such written approval shall include the date of approval, the patient's name, the ophthalmic dispenser's name and address, and a clear designation of approval. The board shall prescribe the forms to be used in securing notice of such approval. The document bearing written final approval under this section shall become a part of the lens wearer's permanent record which shall be kept on file by the ophthalmic dispenser.

(3) If the opthalmic dispenser fails to receive written final approval under this section within sixty days from the date the lenses were dispensed, he or she shall notify the department.

(4) Failure to attempt to secure written final approval and failure to report failure to receive final approval under subsection (2) of this section shall be grounds for suspension or revocation of an individual's license to dispense contact lenses. Repeated failure to receive final approval shall be grounds for suspension or revocation of an individual's license to dispense contact lenses. In making such a decision on license

suspension, the department shall take into consideration evidence of any lack of cooperation on the part of the licensed physicians and optometrists from whom the ophthalmic dispenser has solicited written final approval.

(5) When contact lenses are dispensed under the Ophthalmic Dispensing Act, followup care, including, but not limited to, routine examinations and the diagnosis and treatment of any problems resulting from the wearing of the lenses, shall be provided by a licensed physician or optometrist, except that persons licensed to dispense contact lenses under the act may provide lens cleaning and polishing services.

(6) Any document required to be kept on file by the ophthalmic dispenser under the act shall be retained for a period of at least ten years following the date on which lenses described in the document were delivered to the wearer.

(7) Nothing in the Ophthalmic Dispensing Act shall be construed to permit persons licensed under such act to practice medicine, as defined in section 71-1,102, or optometry, as defined in section 71-1,133.".

3. On page 3, strike beginning with "sections" in line 26 through "act" in line 27 and insert "the Ophthalmic Dispensing Act".

4. On page 4, line 5, after "by" insert "and under the supervision of"; in lines 15, 16, and 25 after "spectacle" insert "lens"; and in line 19 strike "dispensing" and strike "lenses" and insert "lens dispensing".

5. On page 5, line 1, after "spectacle" insert "lens"; and in line 2 after "lens" insert "dispensing".

6. On page 7, line 3, strike "or limited" and after "license" insert "for spectacle lens dispensing"; in line 7 strike "ophthalmic" and insert "spectacle lens"; strike beginning with "and" in line 7 through "dispensing" in line 9; after line 9 insert "No temporary license shall be issued for dispensing contact lenses."; in line 10 strike "or limited"; in line 12 after "issuance" insert "and it shall not be renewable"; strike beginning with "sections" in line 13 through "act" in line 14 and insert "the Ophthalmic Dispensing Act"; in line 18 strike "14" and insert "13"; in line 22

after "For" insert "spectacle lens" and strike "of spectacles"; in line 23 strike "ophthalmic" and insert "spectacle lens"; in line 24 strike the second "the"; in line 25 after "requirements" insert "as"; and strike beginning with "a" in line 25 through "opticianry" in line 26 and insert "the board".

7. On page 8, line 1, strike "ophthalmic" and insert "contact lens"; in line 2 strike the second "the"; in line 3 after "requirements" insert "as"; strike beginning with "a" in line 3 through "examiners" in line 4 and insert "the board"; strike beginning with "dispensers" in line 5 through "lenses" in line 6 and insert "spectacle lens dispensers and contact lens dispensers"; in line 8 strike "(1)"; in line 9 strike "utilize" and insert "directly supervise"; strike beginning with "or" in line 9 through "engage" in line 10 and insert "engaging"; strike beginning with "under" in line 10 through "and" in line 11; in line 11 strike "same"; and strike beginning with the second "licensed" in line 12 through "section" in line 23 and insert "more than three apprentices may be employed at one time at such location. Any person not licensed under the Ophthalmic Dispensing Act shall be registered as an apprentice by the board in order to engage in ophthalmic dispensing and no apprentice may engage in ophthalmic dispensing except under the direct supervision of an individual licensed under the act".

8. On page 9, strike beginning with "sections" in line 8 through "act" in line 9 and insert "the Ophthalmic Dispensing Act"; in line 13, strike "January" and insert "June" and strike "1984" and insert "1985"; and strike beginning with "sections" in line 23 through "act" in line 24 and insert "the Ophthalmic Dispensing Act".

9. On page 10, line 17, strike "14" and insert "13".

10. On page 14, line 12, strike "13" and insert "12".

11. On page 19, line 1, strike "15" and insert "14".

12. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 763. Placed on General File as amended. Standing Committee amendment to LB 763:

AM2025

1. On page 2, strike beginning with "If" in line 11 through the period in line 14.

LEGISLATIVE BILL 903. Placed on General File as amended.
Standing Committee amendments to LB 903:
AM2024

1. On page 2, line 1, strike "21" and insert "19"; in line 9 strike "and nursing homes"; and in line 14 strike "12" and insert "11".
2. Strike original sections 12 and 16.
3. On page 3, line 25, strike "adopt and"; and in line 26 after "the" insert "initial".
4. On page 4, strike beginning with the second "and" in line 5 through "homes" in line 6; in line 11 strike "The" and insert "To implement the" and after "data" insert "collection"; in line 12 after "hospitals" insert "pursuant to section 13 of this act, the department" and strike "compile and"; and in line 15 after the period insert "The information from the hospital uniform billing form shall be reported to the department in the manner specified by rules and regulations adopted and promulgated by the department.".
5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 906. Placed on General File as amended.
Standing Committee amendments to LB 906:
AM2023

1. On page 3, line 5, strike "ten" and insert "twenty"; and in line 8 strike "twenty- five" and insert "twenty".
2. On page 7, line 1, after the period insert "Any preference established by this subdivision may be rebutted by a preponderance of the evidence.".

(Signed) George Fenger, Chairperson

Public Works

LEGISLATIVE BILL 861. Placed on General File as amended.
Standing Committee amendments to LB 861:
AM1929

1. On page 2, line 14, strike "and" and show as stricken; in line 18 after "districts" insert: "; and

(6) Manager shall mean the chief executive

hired by a majority vote of the board to be the supervising officer of the district"; and in line 23 after "act" insert "unless the district does not have the right to use such land for recreational purposes".

2. On page 3, line 13, after the period insert "If the manager is unable, because of absence, to give or revoke permission as authorized in this section, or the manager's position is vacant, such authority shall vest in the chairperson of the board. If for the same reasons, the chairperson of the board is unable to give or revoke permission as authorized in this section, such authority shall vest in a district representative designated by a majority vote of the board, and such action shall be recorded in the board minutes.".

3. On page 7, line 1, strike "misdemeamor" and insert "misdemeanor"; and in line 9 after the period insert "A district shall not employ law enforcement personnel and shall be prohibited from expending any funds for such purpose.".

LEGISLATIVE BILL 984. Placed on General File as amended.
Standing Committee amendments to LB 984:
AM1930

1. On page 3, line 4, strike "28" and insert "29"; in line 9 strike "13" and insert "12"; and in line 15 after the second comma insert "reconstruction, replacement, extension, improvement, and betterment of a".

2. Strike original section 9.

3. Insert a new section as follows:

"Sec. 15. All projects undertaken and administered by the commission pursuant to the Nebraska Water Project Revenue Bonding Act shall be subject to compliance with the rules and regulations of the Nebraska Resources Development Fund.".

4. On page 7, line 18, strike "76-1704 to 76-1724" and insert "76-704 to 76-724"; in line 21 after "(a)" insert "the initiation, design, acquisition, construction, maintenance, repair, and operation of projects, (b)"; in line 25 strike "(b)" and insert "(c)"; and in line 27 strike "(c)" and insert "(d)".

5. On page 9, line 10, strike the second "to" and insert "so".

6. On page 11, line 23, strike "fund" and

insert "Nebraska Resources Development Fund"; and in line 27 strike "14" and insert "13".

7. On page 12, lines 2 and 7, strike "14" and insert "13"; and in line 25 strike "on" and insert "or".

8. On page 15, line 10, strike "or".

9. Insert a new section as follows:

"Sec. 28. No resolution or other action of the commission providing for the issuance of bonds or the refunding of bonds shall be adopted or otherwise made effective by the commission in accordance with the Nebraska Water Project Revenue Bonding Act without prior approval, by legislative bill or resolution, of three-fifths of the members elected to the Legislature voting in the affirmative.".

10. Renumber remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 933. Placed on Select File as amended.
E & R amendments to LB 933:
AM5284

Because of line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. On page 1, line 5, strike "81-1108.18, 81-1108.20, 81-1108.23,"; and strike beginning with the second comma in line 7 through "1983" in line 8.

2. On page 2, strike beginning with "change" in line 1 through "fund" in line 4 and insert "create funds; to change provisions relating to inventories"; and in line 5 after the semicolon insert "to harmonize provisions; to eliminate certain duties of the State Building Commission; to eliminate a duty of the State Treasurer relating to triplicate receipts;".

3. On page 3, line 20, strike the comma and show as stricken.

4. On page 4, line 8, after "lettered" insert ", in plain letters of a contrasting color or reflective material,"; strike beginning with the comma in line 8 through the underscored comma in line 9 and show the old matter as stricken; in line 11 strike the second comma and show as stricken; strike beginning with "indelibly" in line 16 through "lettered" in line 17, show as

stricken, and insert "with"; in line 17 after "Nebraska" insert an underscored period; and strike beginning with "in" in line 17 through the underscored period in line 19 and show the old matter as stricken.

5. On page 5, line 7, strike the comma and show as stricken.

6. On page 6, line 6, strike the comma and show as stricken.

7. On page 7, line 5, strike the semicolon, show as stricken, and insert an underscored comma; in line 18 strike "survivors", show as stricken, and insert "survivors'"; and in line 21 strike ", and the", show as stricken and insert ". The".

8. On page 8, line 1, strike "shall be", show as stricken and insert "is"; insert paragraphing before "(1)" in line 15, before "(2)" in line 20, and before "(3)" in line 27; in line 20 strike the second "the", show as stricken, and insert "The"; and in line 24 strike the comma and show as stricken.

9. On page 9, line 1, strike "such", show as stricken, and insert "Such"; in line 3 after "therein" insert an underscored comma; in line 11 strike the comma and show as stricken; insert paragraphing before "(4)" in line 14, before "(5)" in line 18, and before "(6)" in line 25; in lines 15 and 18 strike "all", show as stricken, and insert "All"; in line 25 strike "as", show as stricken, and insert "As".

10. On page 10, line 2, strike the comma and show as stricken; in line 6 insert paragraphing before "(7)" and strike "as", show as stricken, and insert "As"; in line 22 strike "survivors", show as stricken, and insert "survivors'"; and in line 26 strike the comma and show as stricken.

11. On page 11, line 17, strike the comma and show as stricken; and in line 20 strike "shall be", show as stricken, and insert "is".

12. On page 12, line 8, strike ", shall", show as stricken, and insert "will"; in line 18 strike both commas and show as stricken; and in line 19 strike the comma and show as stricken and after "and" insert "will".

13. On page 14, line 3, after "Fund" insert "which is hereby created"; in lines 12, 16, and 24 strike the comma and show as stricken; in line 19 strike "be", show as stricken, and insert "is"; in line 21

strike the second comma and show as stricken; and strike beginning with the second "of" in line 22 through the comma in line 23 and show as stricken.

14. On page 15, in lines 12, 17, 21, and 22, strike the comma and show as stricken; in line 18 strike the comma and show as stricken and after "shall" insert an underscored comma; and in line 19 after "provided" insert an underscored comma.

15. On page 16, in lines 1 and 11, strike the comma and show as stricken.

16. On page 19, in lines 13, 14, 24, 25, and 27, strike all of the commas and show as stricken.

17. On page 22, line 25, strike the first "or", show as stricken, and insert an underscored comma.

18. On page 23, line 6, strike the comma and show as stricken; and in line 16 strike the first comma and show as stricken.

19. On page 25, in lines 8 through 11, 14, and 15, strike all of the commas and show as stricken.

20. On page 35, line 12, after "Colleges" insert an underscored comma.

21. On page 36, in lines 8, 9, 21, and 23, strike all of the commas and show as stricken; and in line 19 strike the third comma and show as stricken.

22. On page 37, in lines 2 and 12, strike the comma and show as stricken.

23. On page 38, line 5, strike "81-1108.18, 81-1108.20, 81-1108.23,"; and strike beginning with "and" in line 7 through the second comma in line 8.

24. Renumber original sections 19 to 23 as 15 to 19 respectively.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 1001. Placed on General File.

LEGISLATIVE RESOLUTION 244CA. Placed on General File.

LEGISLATIVE BILL 293. Indefinitely postponed.
LEGISLATIVE BILL 294. Indefinitely postponed.

LEGISLATIVE RESOLUTION 236CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 237CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 247CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 248CA. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

SELECT FILE

LEGISLATIVE BILL 1039. E & R amendments, AM5252, found in the Journal on page 906 for the Twenty-Sixth Day were adopted.

Mr. Clark renewed his pending amendment found in the Journal on page 980.

Mr. Clark moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Clark requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Abboud
Barrett
Beyer
Carsten
Chronister
Clark
Fenger
Goll
Goodrich
Haberman
Hefner
Jacobson
Johnson, L.
Johnson, R.
Kahle
Labedz
Lamb
Landis
Lundy
Morehead
Nichol
Pappas
Peterson, H.
Peterson, R.
Remmers
Von Minden
Wagner

Voting in the negative, 15:

Beutler
Chambers
Eret
Hannibal
Harris
Hoagland
Johnson, V.
Kilgarin
McDonald
Newell
Pirsch
Rupp
Vickers
Wesely
Withem

Present and not voting, 3:

Higgins
Marsh
Scofield

Absent and not voting, 1:

Warner

Excused and not voting, 3:

DeCamp
Schmit
Sieck

The Clark amendment was adopted with 27 ayes, 15 nays, 3 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:
1. Insert the following new sections:
Any person who violates any of the provisions of a final order issued by the Director of Banking and Finance shall be liable to any person or entity who suffers damage proximately caused by such violation. Any person who knowingly violates any final order issued by the Director of Banking and Finance as provided in this section shall be guilty of a Class I misdemeanor.

The Chair declared the Call raised.

Messrs. Haberman, R. Johnson, Barrett, H. Peterson, Lamb, Fenger, and Beyer asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 889. Placed on General File.

LEGISLATIVE BILL 781. Placed on General File as amended.
Standing Committee amendment to LB 781:
AM2046

1. On page 3, strike lines 7 through 12, show the old matter as stricken, and insert:

"Any district board or board of education may establish day care programs and programs for the education of prekindergarten children. Any such program shall be funded exclusively by the parents or legal guardians of children using such services. Attendance at such programs shall be voluntary.".

LEGISLATIVE BILL 908. Placed on General File as amended.
Standing Committee amendment to LB 908:
AM2045

1. On page 5, after line 2 insert:

"If the territory annexed has been part of a Class VI school district for more than one year prior to such annexation, the question as to which district the annexed territory shall be part of shall be negotiated in good faith by the school boards of the school districts involved. If the majority of the members of each school board cannot reach agreement on such question within ninety days after the effective date of the city annexation ordinance, the territory shall become part of the school district of the annexing city pursuant to section 79-801.02, but the parents or legal guardian of any school-age child residing in the annexed territory shall be allowed to make an election, on or before the date for the transfer of any territory as prescribed in section 79-801.02, to continue sending the child or ward to the school facility which such child attended prior to the annexation. The State Department of Education shall establish procedures and forms to implement the election. If the school facility which such child attends lies outside the district in which the parents or legal guardian resides following annexation, a sum equal to the statewide average per pupil cost for the immediately preceding school year shall be paid by the district of residence to the district serving the nonresident student.”.

LEGISLATIVE BILL 982. Placed on General File as amended.
Standing Committee amendments to LB 982:
AM2044

1. On page 2, line 24, after “which” insert “a”, after “school” insert “district or a combination of school”.

2. On page 3, line 9, after “district” insert “or the boards of education of school districts which have combined to make application”.

3. On page 4, lines 5 and 8, after “district” insert “or combination of school districts”.

LEGISLATIVE BILL 1057. Placed on General File as amended.
Standing Committee amendments to LB 1057:
AM2052

1. On page 3, line 6, after “seeking” insert “a diploma,” and after “certification” insert a comma; in line 9 strike “and”; in line 16 after “employers” insert “; and

(7) Nebraska resident shall mean an individual who (a) meets the requirements of section 85-502 and has established a home in Nebraska where he or she is habitually present for a minimum period of three calendar years, with the bona fide intention of making this state his or her permanent residence or (b) has

graduated from a Nebraska high school”.

2. On page 4, in lines 2 and 4, after “full-time” insert “equivalent”.

LEGISLATIVE BILL 1065. Placed on General File as amended.
Standing Committee amendments to LB 1065:
AM2043

1. On page 2, lines 13 and 19, after “special” insert “facilities, services, and”; in line 13 strike the comma; in line 16 strike “development” and insert “provision”; and in line 24 strike “consulting services” and insert “facilities, services, and consultants”.

2. On page 3, line 5, strike “consulting” and insert “gifted education assistance”.

LEGISLATIVE BILL 1093. Placed on General File as amended.
Standing Committee amendments to LB 1093:
AM2042

1. On page 4, strike lines 8 through 12 and insert a new subdivision as follows:

“(2) To promote and support locally operated noncommercial educational radio stations with satellite receiving capabilities and improved transmitter coverage by use of the tower sites operated by the commission on the effective date of this act or other facilities located at the sites of originating stations and to provide other forms of support as necessary;”.

2. On page 5, after line 22 insert a new subdivision as follows:

“(9) To provide for programming for the blind and other print handicapped persons, as authorized by the Federal Communications Commission under subsidiary communications authority rules, through contracts with appropriate nonprofit corporations or organizations which have been created for such purpose;”; and in line 23 strike “(9)” and insert “(10)”.

3. On page 6, line 5, strike “(10)” and insert “(11)”; in line 9 strike “(11)” and insert “(12)”; and in line 22 strike “(12)” and insert “(13)”.

4. On page 7, line 2, strike “(13)” and insert “(14)”; in line 9 strike “(14)” and insert “(15)”; in line 21 strike “(15)” and insert “(16)”; and in line 23 strike “(16)” and insert “(17)”.

5. On page 8, line 1, strike “(17)” and insert “(18)”; and in line 11 strike “(18)” and insert

"(19)".

LEGISLATIVE BILL 740. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

Public Works

LEGISLATIVE BILL 1040. Placed on General File as amended.
Standing Committee amendments to LB 1040:
AM2003

1. On page 2, line 4, strike "blue,"; in line 5 after "or" insert "red and" and strike "and white"; in line 6 after "vehicle" insert ", except a civil defense vehicle,"; in line 10 after "any" insert "clearly marked"; in lines 16, 19, and 26 after "firefighter" insert ", civil defense worker,".

2. On page 3, line 2, after "department" insert ", a civil defense director or coordinator,"; in line 10 after "firefighter" insert ", (b) a civil defense director or coordinator that the holder thereof is no longer a civil defense worker," and strike "(b)" and insert "(c)"; and in line 14 strike the new matter.

3. On page 4, line 1, after "red" insert ", red and white, red and blue, blue and white".

(Signed) Loran Schmit, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 904. Placed on General File as amended.
Standing Committee amendments to LB 904:
AM2068

1. Strike original sections 1 to 3 and insert new sections as follows:

"Section 1. The Legislature hereby finds that (1) products and services provided to recipients of medical assistance benefits should be obtained at the most favorable prices to the State of Nebraska while ensuring quality of the product or services to the recipient and (2) express authority should be provided for contractual agreements between health care vendors to promote the goal of medical cost containment.

Sec. 2. Under the authority provided in section 68-1021, the Director of Social Services may enter into contracts on a bid or negotiated basis with vendors to provide goods and services on behalf of recipients of medical assistance as set forth in section 68-1019. Such contracts may provide for the method of payment, including, but not limited to, a negotiated reimbursement rate, fee-for-service, capitation, retainer, prepaid, or other basis. Such contracts may also be entered into with health maintenance organizations established under section 44-3270.

Sec. 3. (1) The terms and conditions of any contract offered by the Department of Social Services under section 2 of this act shall not discriminate against or among vendors. Differences in prices among vendors based on factors, including, but not limited to, market conditions, patient mix and method of payment, and price differences among vendors in different geographical areas shall not be deemed discrimination.

(2) The department may limit the offering of a contract to a specific geographic area. When the department contracts for a specific type of service covered under section 68-1019, in a specific geographic area, reimbursement for such service may be limited to those vendors contracting with the department. When reimbursement is limited to contracting vendors, nothing in this act shall be construed to require noncontracting vendors to provide services for medical assistance recipients.

(3) Nothing in this act shall be construed to limit the services reimbursed under section 68-1019.

Sec. 4. In order to encourage vendors to enter into contracts under this act, all contracts and bid specifications shall, at a minimum, include: (1) A provision stating that the Department of Social Services shall pay or deny all claims for services within sixty days of receipt by the department and all claims for emergency services within ninety days of receipt; (2) a description of the medical assistance recipient category or categories to be covered under the contract and a procedure that will permit prompt identification of individual medical assistance recipients covered under the contract; (3) a provision stating that the department shall be responsible for payment for services rendered to recipients after they have been determined, by the contracting vendor, to be eligible for discharge from a health care facility, but whose discharge is delayed due to the unavailability of alternative care;

(4) a statement of the types of services to be provided under the contract, which statement, when contained in bid specifications, may provide that separate contracts may be let for distinct levels or types of care; and (5) a statement that the contracting vendor shall not be held responsible for payment for emergency care outside the terms of the contract he, she, or it has entered into under this act when such emergency care is provided to recipients of medical assistance by a noncontracting vendor.

Sec. 5. Two or more vendors of health care services may enter into agreements to contract as a unit, with the Director of Social Services, for the delivery of health services under this act. Such agreements may allow for joint administration, joint risk sharing, coordinated provision of health services, coordinated utilization review, referral relationships between vendors in the unit, and other approaches which will promote the goal of cost-effective delivery of health care services. To be certified as a unit eligible to negotiate contracts for health services, such unit shall file an application with the Director of Social Services, on a form prescribed by the Department of Social Services. Included in such application shall be a designation of the person or persons entitled to negotiate on behalf of the members of the unit and the extent to which such negotiations shall bind such members.

Sec. 6. Within thirty days from the date of receipt of an application filed pursuant to section 5 of this act and accompanied by such additional information as reasonably required by the Department of Social Services, the Director of Social Services shall, by written notification, either certify the unit or deny such certification. Any denial of certification shall (1) specify the reasons for the denial, (2) state that the unit is granted fifteen days to remedy any deficiency in its application identified in the statement of denial, and (3) state that a hearing pursuant to sections 84-913 to 84-916 will be granted within thirty days if requested by the unit. An appeal from the decision of the director may be taken pursuant to sections 84-917 and 84-918. The Department of Social Services may establish fees for filing an application pursuant to this section. Such fees shall cover the costs of processing such applications, but shall not exceed one hundred dollars.

Sec. 7. Actions taken pursuant to this act shall not be subject to sections 59-801 to 59-829 and 59-1601 to 59-1623. It is the intention of the Legislature that vendors and contracts complying with this act shall be exempted from the application of federal antitrust laws. Nothing contained in this act shall prohibit contracts between individual vendors and the Department of Social Services.

Sec. 8. The Department of Social Services may adopt, promulgate, amend, and repeal rules and regulations regarding the powers conferred by this act, subject to Chapter 84, article 9.

Sec. 9. This act shall terminate on July 1, 1987, unless reenacted or reestablished by the Legislature.".

2. Renumber remaining sections accordingly.

(Signed) George Fenger, Chairperson

ANNOUNCEMENT

Speaker Nichol announced the following bills are his priority bills: 757, 765, 1060, 1124, 450, 1079, 1084, 813, 806, 1027, 889, 711, 727, 890, 981, 930, 275, 801, 714, 841, 982, 720, 913, 936, and 721.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 829. Placed on General File as amended.
Standing Committee amendment to LB 829:
AM2047

1. On page 4, strike beginning with "The" in line 15 through the period in line 18 and insert "Except as otherwise provided in subsection (3) of section 48-816, when determining bargaining units, the commission shall determine supervisor status in accordance with the definition provided in this subsection."; and in line 26 after the period insert "An individual who primarily performs bargaining unit work and who does not perform substantial supervisory activities shall be included as a member of the bargaining unit.".

LEGISLATIVE BILL 832. Placed on General File as amended.

Standing Committee amendment to LB 832:
AM2048

1. On page 3, line 26, after "48" insert "article 8".

LEGISLATIVE BILL 1112. Placed on General File as amended.
Standing Committee amendments to LB 1112:
AM2049

1. On page 2, lines 16 and 24, strike "service connected", show as stricken, and insert "service- connected"; and in line 17 strike "service aggravated", show as stricken, and insert "service- aggravated".

2. On page 3, line 10, strike "priority" and insert "a preference".

3. On page 4, line 14, strike "(1)"; and strike lines 22 through 27.

LEGISLATIVE BILL 280. Indefinitely postponed.
LEGISLATIVE BILL 651. Indefinitely postponed.
LEGISLATIVE BILL 917. Indefinitely postponed.
LEGISLATIVE BILL 1099. Indefinitely postponed.

(Signed) William Barrett, Chairperson

Judiciary

LEGISLATIVE BILL 849. Placed on General File as amended.
Standing Committee amendments to LB 849:
AM2059

1. On page 2, line 16, strike the new matter and strike "hard labor" and show as stricken; in line 17 strike "not to exceed", show as stricken, and insert "of less than"; in line 21 strike "not to" and insert "of less than"; in line 22 strike "exceed"; and strike beginning with the first comma in line 22 through the period in line 25, show as stricken, and insert an underscored period.

2. On page 3, line 15, strike beginning with "with" through "not", show the old matter as stricken, and insert "for a period of less than"; in line 16 strike "to exceed"; and strike beginning with "with" in line 20 through "exceed" in line 21, show the old matter as stricken, and insert "for a period of less than".

3. On page 4, lines 25 and 26, page 5 lines 3 and 4 and 17 and 18, strike beginning with "with"

through "exceed" and insert "for a period of less than".

4. On page 5, line 22, strike "not to exceed" and insert "of less than"; in line 23 strike the comma, show as stricken, and insert an underscored period; and strike beginning with "with" in line 23 through the period in line 24 and show the old matter as stricken.

LEGISLATIVE BILL 865. Placed on General File as amended.
Standing Committee amendment to LB 865:
AM1864

1. Strike the original sections and insert the following new sections:

"Section 1. That section 28-515, Revised Statutes Supplement, 1982, be amended to read as follows:

28-515. (1) A person commits theft if he or she obtains services which he or she knows are available only for compensation, by deception or threat, or by false token or other means to avoid payment for the service. Services include labor, professional service, telephone service, electric service, cable television service, or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions, and use of vehicles or other movable property. ~~Where~~ When compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.

(2) A person commits theft if, having control over the disposition of services of others, to which he or she is not entitled, he or she diverts such services to his or her own benefit or to the benefit of another not entitled thereto.

(3) Any person who makes or possesses any device, instrument, apparatus, or equipment designed or which can be used to obtain telecommunications service fraudulently or to conceal from any supplier or telecommunications service or from any lawful authority the existence or place of origin or of destination of any telecommunication; or who sells, gives or otherwise transfers to another, or offers or advertises for sale, any such device, instrument, apparatus, or equipment, or plans or instructions for making or assembling the same,

under circumstances evincing an intent to use or employ such device, instrument, apparatus, or equipment, or to allow the same to be used or employed, for a purpose described in this subsection, or knowing or having reason to believe that the same is intended to be used, or that the plans or instructions are intended to be used, for making or assembling such device, instrument, apparatus, or equipment is guilty of a Class II misdemeanor.

Sec. 2. That original section 28-515, Revised Statutes Supplement, 1982, is repealed.”.

LEGISLATIVE BILL 972. Placed on General File as amended.
Standing Committee amendments to LB 972:
AM2061

1. Insert new sections as follows:

“Sec. 4. That section 43-250, Revised Statutes Supplement, 1982, be amended to read as follows:

43-250. An officer who takes a juvenile into temporary custody under section 43-248 shall immediately take reasonable measures to notify the juvenile’s parent, guardian, custodian, or relative and shall proceed as follows:

(1) The officer shall release such juvenile; or

(2) The officer shall prepare in triplicate a written notice requiring the juvenile to appear before the juvenile court or probation officer of the county in which such juvenile was taken into custody at a time and place specified in the notice or at the call of the court. The notice shall also contain a concise statement of the reasons such juvenile was taken into custody. The officer shall deliver one copy of the notice to such juvenile and require such juvenile or his or her parent, guardian, or other custodian, or relative, or both, to sign a written promise that such signer will appear at the time and place designated in the notice. Upon the execution of the promise to appear, the officer shall immediately release such juvenile. The officer shall, as soon as practicable, file one copy of the notice with the county attorney and, when required by the juvenile court, also file a copy of the notice with the juvenile court, the officer appointed by the court for such purpose, or the

probation officer; or

(3) The officer shall take such juvenile without unnecessary delay before the juvenile court or probation officer of the county in which such juvenile was taken into custody and deliver the custody of such juvenile to the juvenile court or probation officer.

In determining which disposition of the juvenile he or she will make, the officer shall prefer the alternative which least restricts the juvenile’s freedom of movement, if such alternative is compatible with the best interests of the juvenile and the community.

Sec. 6. That section 43-254, Revised Statutes Supplement, 1982, be amended to read as follows:

43-254. Pending the adjudication of any case, if it appears that the need for placement or further detention exists, the juvenile may be (1) placed or detained a reasonable period of time on order of the court in the temporary custody of either the person having charge of the juvenile or some other suitable person, (2) kept in some suitable place provided by the city or county authorities, (3) placed in any proper and accredited charitable institution, ~~or~~ (4) placed in a state institution, except any adult penal institution, when proper facilities are available and the only local facility is a city or county jail, at the expense of the committing county on a per diem basis as determined from time to time by the head of the particular institution, or (5) placed in the temporary care and custody of the Department of Social Services when it does not appear that there is any need for detention in a locked facility.”.

2. On page 12, line 8, strike “call witnesses”, show as stricken, and insert “compel other witnesses to attend and testify”; and in line 17 after “is” insert “intelligently,” and after “voluntarily” insert an underscored comma.

3. On page 13, strike beginning with the comma in line 5 through “evidence” in line 8.

4. On page 14, line 15, after “proceedings” insert “for such purpose”; and in line 22 after the period begin a new paragraph and insert “(3)”.

5. On page 15, strike beginning with “rights” in line 2 through “and” in line 3 and insert “by a

preponderance of the evidence in cases under subdivision (3)(a) of section 43- 247 or by clear and convincing evidence in proceedings to terminate parental rights.”; in lines 5 and 8 after “petition” insert “or motion”; and strike beginning with “and” in line 6 through “orders” in line 7 and insert “or motion”.

6. On page 22, line 23, strike “9” and insert “11”; in line 26 after “43-247,” insert “43-250,” and after “43-251,” insert “43-254,”.

7. Renumber the original sections accordingly.

LEGISLATIVE BILL 987. Placed on General File as amended.
Standing Committee amendments to LB 987:
AM2060

1. On page 2, line 6, after “Upon” insert “written”.

2. On page 3, line 16, strike “The” and insert “Such”.

3. Insert new sections as follows:

“Sec. 2. That section 25-505.01, Revised Statutes Supplement, 1983, be amended to read as follows:

25-505.01. (1) Unless otherwise limited by statute or by the court, a plaintiff may elect to have service made by any of the following methods:

(a) ~~(1)~~ Personal service which shall be made by leaving the summons with the individual to be served;

(b) ~~(2)~~ Residence service which shall be made by leaving the summons at the usual place of residence of the individual to be served, with some person of suitable age and discretion residing therein; or

(c) ~~(3)~~ Certified mail service which shall be made by ~~(a)~~ (i) within ten days of issuance, sending the summons to the defendant by certified mail with a return receipt requested showing to whom and where delivered and the date of delivery, and ~~(b)~~ (ii) filing with the court proof of service with the signed receipt attached.

(2) Failure to make service by the method elected by the plaintiff does not affect the validity of the service.

Sec. 6. That section 42-352, Revised Statutes Supplement, 1983, be amended to read as follows:

42-352. ~~A proceeding under sections 42- 347 to 42- 379 shall be commenced by filing a petition in the~~

~~district court. Summons shall be served upon the other party to the marriage by personal service or in the manner provided in section 25- 517.02.~~ A proceeding under sections 42- 347 to 42- 379 shall be commenced by filing a petition in the district court. Summons shall be served upon the other party to the marriage by personal service or in the manner provided in section 25- 517.02.”.

4. On page 4, line 11 after the last comma insert “25-505.01,”; and in line 12 after the second comma insert “42-352,”.

5. Renumber remaining sections accordingly.

LEGISLATIVE BILL 973. Placed on General File.
LEGISLATIVE BILL 1113. Placed on General File.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

AM2050
(Amendments to Standing Committee amendments, AM1885)

1. Strike amendment 1 and insert the following new amendment:

“1. Strike the original sections and all amendments thereto and insert the following new sections:

‘Section 1. That section 79-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-201. Every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child, not less than seven nor more than sixteen years of age, shall cause such child to attend regularly the public, private, denominational, or parochial day schools which have met the requirements for legal operation prescribed in Chapter 79 each day that such schools are open and in session except when excused by school authorities, unless such child has been graduated from high school. The term shall not be less than one hundred seventy-five days in any district, except that in the event of the failure of any district which receives twenty per cent or more of its total receipts for general fund purposes from federal sources, to actually receive receipts anticipated at the time of the adoption of the school budget from taxes, state funds, federal funds, tuition, or other sources, the board of education of such district may, at any time during the school year, elect to close all or part of its schools.

Sec. 2. That section 79-328, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-328. The State Board of Education shall have the power and it shall be its duty:

(1) To appoint and fix the compensation of the Commissioner of Education;

(2) To remove the commissioner from office at any time for conviction of any crime involving moral turpitude or felonious act, for inefficiency, or for willful and continuous disregard of his or her duties as commissioner or of the directives of the board;

(3) Upon recommendation of the commissioner, to appoint and fix the compensation of a deputy commissioner and all professional employees of the board;

(4) To organize the State Department of Education into such divisions, branches, or sections as may be necessary or desirable to perform all its proper functions and to render maximum service to the board and to the state school system;

(5) To provide, through the commissioner and his or her professional staff, enlightened professional leadership, guidance, and supervision of the state school system . In ~~and, in~~ order that the commissioner and his or her staff may carry out their duties, the board shall, through the commissioner: ~~,~~ (a) ~~provide~~ Provide supervisory and consultative services to the schools of the state; ~~,~~ (b) issue materials helpful in the development, maintenance, and improvement of educational facilities and programs; ~~,~~ (c) establish rules and regulations which govern standards and procedures for the legal operation of all public, private, denominational, or parochial schools in the state. All public, private, denominational, or parochial schools shall either comply with the accreditation or approval requirements prescribed in this section and section 79-1247.02 or, for those schools which elect not to meet accreditation or

approval requirements, the requirements prescribed in this section and subsection (2) of section 79-1701. Such accreditation and approval standards and procedure may be based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, health and safety factors in buildings and grounds. Rules and regulations which govern procedures and standards for private, denominational, and parochial schools which elect, pursuant to the procedures prescribed in subsection (2) of section 79-1701, not to meet state accreditation or approval requirements shall be based upon evidence that such schools offer a program of instruction leading to the acquisition of basic skills in the language arts, mathematics, science, social studies, and health. Such rules and regulations may include a provision for the visitation of such schools and regular achievement testing of students attending such schools in order to insure that such schools are offering instruction in the basic skills listed in this subdivision. Any arrangements for visitation or testing shall be made through a parent representative of each such school. The results of such an examination may be used as evidence that such schools are offering instruction in such basic skills, but such evidence shall not be conclusive and shall not be used to measure, compare, or evaluate the competency of students at such schools; (d) establish rules ~~, and procedures for classifying, approving, and accrediting schools, for approving the opening of new schools, for the continued legal operation of all schools, and~~ for the approval of high schools for the collection of nonresident high school tuition money in accordance with the rules and regulations provided for in this subdivision, except that the State Board of Education shall approve a school for the collection of nonresident high school tuition money when a hardship would result to the students and a substantial effort is being made to comply with the rules and regulations established, (e) ~~(d)~~ institute a statewide system of testing to determine the degree of achievement and accomplishment of all the students within the state's school systems, if it determines such testing would be advisable, (f) ~~(e)~~ prescribe a uniform system of records and accounting for keeping adequate educational and financial records, for gathering and reporting necessary educational data, and for evaluating educational progress, (g) ~~(f)~~ cause to be published laws and regulations governing the schools and the school lands and funds, with explanatory notes for the guidance of those charged with the administration of the schools of the state, (h) ~~(g)~~ approve teacher education programs conducted in Nebraska institutions of higher education designed for the purpose of certificating teachers, and (i) ~~(h)~~ approve general plans and adopt educational policies, standards, rules, and regulations for carrying out the board's responsibilities and those assigned the State Department of Education by the Legislature;

(6) To submit a biennial report to the Governor and the Clerk of the Legislature covering the actions of the board, the operations of the State Department of Education, and the progress and needs of the schools, and to recommend such legislation as may be necessary to satisfy these needs;

(7) To cause to be prepared and distributed reports designed to acquaint school district officers, teachers, and patrons of the schools with the conditions and needs of the schools;

(8) To provide for consultation with professional educators and lay leaders for the purpose of securing advice deemed necessary in the formulation of policies and in the effectual discharge of its duties;

(9) To cause such studies, investigations, and reports to be made and such information assembled as are necessary for the formulation of policies, for making plans, for evaluating the state school program, and for the making of essential and adequate reports;

(10) To submit to the Governor and the Legislature a budget necessary to finance the state school program~~,~~ under its jurisdiction, including the internal operation and maintenance of the State Department of Education;

(11) To interpret its own policies, standards, rules, and regulations and, upon reasonable request, hear complaints and disputes arising therefrom;

(12) With the advice of the Department of Motor Vehicles, to adopt reasonable standards, not inconsistent with existing statutes, governing: (a) The

general design, equipment, color, operation, and maintenance of any vehicle with a manufacturer's rated seating capacity of eleven or more passengers used for the transportation of school children; and (b) the equipment, operation, and maintenance of any vehicle with a capacity of ten or less passengers used for the transportation of school children, when such vehicles are either owned or operated, or owned and operated, by any school district, or privately owned or operated under contract with any school district in this state. Similar standards are to be adopted for operators of such vehicles as to physical and mental qualities, driving skills and practices, and knowledge of traffic laws and regulations which relate to school bus transportation. Such rules and regulations shall by reference be made a part of any such contract with a school district. Any officer or employee of any school district who violates any of the regulations or fails to include obligations to comply with the regulations in any contract executed by him or her on behalf of a school district shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of such regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district;

(13) To accept, on behalf of the Nebraska School for the Visually Handicapped, on behalf of the Nebraska School for the Deaf, or on behalf of any school for mentally retarded children which is exclusively owned by the State of Nebraska and under the control and supervision of the State Department of Education, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of any such school or the students attending thereat, or both, and may cause any such real estate to be irrigated or otherwise improved when, in its judgment, it would be advisable to do so; and

(14) Upon acceptance of any devise, donation, or bequest as provided in this section, to administer and carry out such devise or bequest in accordance with the terms and conditions thereof. If not prohibited by

the terms and conditions of any such devise, donation, or bequest, it may sell, convey, exchange, or lease property so devised, donated, or bequeathed upon such terms and conditions as it deems best and deposit all money derived from any such sale or lease in the State Department of Education Trust Fund.

Each member of the Legislature shall receive a copy of the report required by subdivision (6) of this section by making a request for it to the commissioner.

None of the duties prescribed in this section shall prevent the board from exercising such other duties as in its judgment may be necessary for the proper and legal exercise of its obligations.

Sec. 3. That section 79-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1701. (1) All private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils. All private, denominational, and parochial schools shall have adequate equipment and supplies, and shall be graded the same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

(2) The following provisions shall apply to any private, denominational, and parochial school in the State of Nebraska which elects not to meet state accreditation or approval requirements. Elections pursuant to this subsection shall be effective when a statement is received by the Commissioner of Education signed by the parents or legal guardians of all children attending such private, denominational, or parochial school stating that (a) the requirements for approval and accreditation required by law and the rules and regulations adopted and promulgated by the State Board of Education violate sincerely held religious beliefs or principles of conscience of the parents or legal guardians, (b) an authorized representative of such parents or legal guardians will at least annually submit

the information necessary to prove that the requirements of subdivisions (i) to (iii) of this subsection are satisfied to the Commissioner of Education, (c) the school offers the courses of instruction required by this subsection and section 79- 328, and (d) the parents or legal guardians have satisfied themselves that individuals offering instruction at such school are qualified to offer instruction in the basic skills as required by this subsection and section 79- 328. Each such school shall (i) meet minimum requirements relating to health, fire, and safety standards prescribed by state law and the rules and regulations of the State Fire Marshal, (ii) report attendance pursuant to section 79- 201, and (iii) maintain a sequential program of instruction designed to lead to basic skills in the language arts, mathematics, science, social studies, and health. The State Board of Education shall establish procedures for receiving information and reports required by this section from authorized parent representatives who may act as agents for parents of students attending such school. Individuals employed by the schools which elect not to meet accreditation or approval requirements shall not be required to meet the certification requirements prescribed in Chapter 79, article 12. Any school which elects not to meet accreditation or approval requirements and does not meet the requirements of this section shall not be deemed a school for purposes of section 79- 201 and the parents or legal guardians of any children attending such school shall be subject to prosecution pursuant to section 79- 201 or any statutes relating to habitual truancy.

Sec. 4. That original sections 79-201, 79-328, and 79-1701, Reissue Revised Statutes of Nebraska, 1943, are repealed.' ".

VISITORS

Visitors to the Chamber were Ms. Scofield's mother, Mrs. Mildred Scofield from Chadron; 12 ladies of a Christian Church group from Fremont; Annette Wesely from Oakland.

On February 15, 1984, visitors to the Chamber were Delores Conner from Ord; Thelma Lang from Litchfield; and Leona Martens from Ord.

ADJOURNMENT

At 12:27 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Wednesday, February 22, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 22, 1984

LEGISLATIVE JOURNAL

THIRTY-FIRST DAY - FEBRUARY 22, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 22, 1984

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend Stephen D. Doe, Faith Orthodox Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Hoagland who were excused; and Messrs. Abboud, Landis, Newell, Rupp, Mrs. Morehead, Miss Kilgarin, and Ms. Scofield who were excused until they arrive.

The members of the Special Commonwealth Committee consisting of Messrs. Barrett, Beutler, Beyer, Carsten, Chambers, Clark, Haberman, V. Johnson, Nichol, Remmers, Schmit, Wagner, Warner, Mesdames Labedz, and Higgins met in executive session at 8:30 a.m. and were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: 261, 262, and 263.

REPORT

Received report of Procedures from the Board of Public Roads Classifications and Standards pursuant to Section 39-2109

Neb.Rev.Stat.

RESOLUTION

LEGISLATIVE RESOLUTION 265. Read. Considered.

LR 265 was adopted with 25 ayes, 0 nays, and 24 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. L. Johnson asked unanimous consent to print the following in the Journal. No objections. So ordered.

This day of February 22, 1984, marks the fiftieth anniversary of the beginning of the successful grassroots campaign to create the Nebraska Unicameral Legislature.

The idea for the unicameral legislative system did not originate in Nebraska but Nebraska continues to be the only one of the 50 states to use the single-chamber method of government.

Before the successful campaign in 1934, several attempts to establish a one-house governing body had ended in failure. In 1913, John C. Norton of Osceola, sponsored a resolution to create the unicameral system. This attempt failed but Norton again pushed for this goal in 1917 when he presented a resolution for the constitutional convention to revise Nebraska's supreme law and provide for the one house method of government. The convention of 1919-1920, however, failed to bring about an agreeable proposal to do this.

Again in 1925 and 1933 Senator J.D. Lee of Boyd county and Senator John G. Boelts of Merrick county, made similar proposals which failed. It was obvious that the legislature would be reluctant to do away with a part of itself.

United States Senator George Norris picked up the campaign for a unicameral legislature in 1934. He asked Colonel John G. Maher, a retired World War I army officer and a Lincoln insurance company executive to organize a kickoff for launching the unicameral campaign. This public conference was convened in the auditorium of Lincoln's Cornhusker Hotel on George Washington's Birthday, February 22, 1934, with the featured speaker for the evening's banquet, Senator Norris. The campaign meeting brought together approximately 800 participants from all over the state of Nebraska.

This conference set into motion an extensive campaign to get signatures on a petition to bring the unicameral idea before the voters. Serving as president of the campaign was Lincoln newspaper publisher George Kline. Other Nebraska personalities involved with the campaign included Colonel Maher as Vice President and Donald Gallagher, a Lincoln lawyer who served as the committee's secretary-treasurer.

It is interesting to note that newspaper editorial positions at that time were generally against the unicameral amendment. The only significant papers supporting the amendment were James Lawrence and the Lincoln Star along with the Hastings Tribune. The Omaha World Herald strongly disapproved of the proposal.

The campaign to put the issue before the voters was successful with over 65,000 signatures gathered from over the state of Nebraska. Voters of Nebraska, in the general election of 1934, decided 286,086 for and 193,152 against, to establish the single-chambered legislature. It is most interesting to note that the proposal passed in all but 9 of the 93 counties along with and some say because of, the repeal of prohibition and the authorization of pari-mutuel betting.

This innovation in state government seemed strange to observers. Here was conservative Nebraska, in the midst of acute agricultural distress, an economic depression and a severe drought, approving a drastic change in their government.

The bicameral legislature of 1935 was the last of its kind in Nebraska and one of its last tasks was the development of rules for the operation of the new unicameral legislature.

The scholarly help of Professor John P. Senning of the University of Nebraska's Political Science Department was enlisted and his final plan provided for 43 senators to be elected by district.

In November 1936, members of the first unicameral were elected and came to Lincoln in January 1937 at a salary of $872 per year. The new legislators established their administrative organization including a full time clerk. Senator Charles Warner, father of our Senator Jerome Warner, was elected first speaker of the Legislature. Hugo Srb of Dodge was appointed clerk and served in that capacity until 1969.

I feel even more than my current involvement in this great experiment and participation in Unicameralism because it was my very special privilege and thrill as a North Bend High School senior, to attend the opening day of the new unicameral legislature on January 5, 1937. Occupying desk number 59 on that memorable day gave me a ringside seat for an important event in Nebraska history. Perhaps the only other person in the chamber today with similar participation and memories is my respected and distinguished colleague, Senator Jerome Warner.

Senator George Norris said in his campaign for Nebraska's new system of government that he felt that the bicameral system, was an historical accident and the reasons for its original creation had become dogmatic. Long ago even Benjamin Franklin compared a two-chambered legislature to a wagon with a horse hitched at each end and the two pulling in opposite directions.

Norris argued for the unicameral by saying that he always perceived friction between two houses of a bicameral legislature, evidenced by the ill famed conference committee, corruption of officials, inefficiency and an increasing cost of financing government. Opponents feared that the concept for an unicameral legislature might permit special interests to exert too much control. Today, with over 300 registered lobbyists representing over 500 principals, there may have been substance for this fear.

Norris, however, felt that by creating the unicameral, a definite fixing of legislative responsibility would be possible. Norris said in a campaign speech: "The state of Nebraska and its officials may be likened to a great corporation. The Governor is the President of the corporation; the legislature is the board of directors; and the people are the stockholders. The stockholders have a right to know what their board of directors does and how it is done."

The continuation of the great government of this state will only be a reality with the persistence of this body to make it work. Senator Norris remarked in the campaign, "A major change in the machinery of government requires courage but the task of making the new system work successfully demands even greater courage as well as foresight and patriotism. In the final analysis the success of the unicameral legislature will depend upon the character and competence of the men and women who are chosen to operate it."

Mr. President, Colleagues, through adoption of this resolution we call upon all Nebraska citizens to join in observance of the golden anniversary of the creation of the Unicameral Legislature. With the valuable support and cooperation of our schools, the media, patriotic groups, service organiztions and government at all levels, we can insure renewed respect and understanding of Nebraska's unique contribution to the art of state government.

I am indebted to the Nebraska State Historical Society, Dr. Adam Breckenridge of UNL, Allen Beerman, my staff and others for assitance in this presentation.

RESOLUTIONS

LEGISLATIVE RESOLUTION 266. Read. Considered.

LR 266 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 267.

Introduced by Eret, 32nd District.

WHEREAS, In 1892 Second Lieutenant John Joseph Pershing founded the University of Nebraska Army ROTC Company A Drill Team which later became the Varsity Rifles in 1893; and

WHEREAS, The Varsity Rifles became the Pershing Rifles in honor of their founder in 1894; and

WHEREAS, The University of Nebraska Pershing Rifles A Company united with the Ohio State University President's Guard in 1925 to form the beginning of the national organization; and

WHEREAS, The National Society of Pershing Rifles today is a student honor society composed of over four thousand active Army, Navy, and Air Force ROTC cadets at one hundred fourteen American colleges and universities, in addition to over eighty thousand alumni members; and

WHEREAS, Training is conducted nationwide by the Pershing Rifles in areas of military drill, tactics, marksmanship, orienteering, and staff administration; and

WHEREAS, The national headquarters of the National Society of Pershing Rifles has been located at the University of Nebraska-Lincoln since its establishment in 1928; and

WHEREAS, Pershing Rifles Company A and the national headquarters have provided years of public services to the local community, the University of Nebraska, and Nebraska state government; and

WHEREAS, Many Pershing Rifle members have given their lives while serving their country in the armed services; and

WHEREAS, This year marks the 90th anniversary of the founding of the Pershing Rifles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Pershing Rifles be commended for their years of service to this state and nation and that congratulations be extended to the Pershing Rifles in honor of the 90th anniversary of their founding.
2. That copies of this resolution be sent to the Commander of Company A, the Commander of the National Headquarters of Pershing Rifles, and Chancellor Martin Massengale.

Laid over.

LEGISLATIVE RESOLUTION 268.

Introduced by Eret, 32nd District.

WHEREAS, the year 1984 marks the one-hundredth anniversary of the village of Swanton; and

WHEREAS, the village of Swanton is an important cornerstone to all residents of Saline County; and

WHEREAS, Swanton has been, is, and will continue to be an outstanding community; and

WHEREAS, the Citizens of the community of Swanton are deserving of special recognition during their centennial celebration which will be held July 28 and 29, 1984.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize and commend the village of Swanton for its one-hundredth anniversary.
2. That the Legislature congratulates and extends its best wishes to the citizens of Swanton.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Suspend Rules

Mrs. Labedz renewed her pending motion found in the Journal on page 991 to suspend the rules, Rule 7, Section 7, and reconsider the motion to indefinitely postpone LB 466A.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The motion to suspend the rules prevailed with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

The Chair declared the Call raised.

MOTION - Reconsider Action on LB 466A

Mrs. Labedz moved to reconsider the motion to indefinitely postpone LB 466A.

The motion to reconsider prevailed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 466A. Considered.

Mrs. Labedz renewed her pending amendment, AM1978, found in the Journal on page 991.

The Labedz amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 426. Title read. Considered.

MR. KAHLE PRESIDING

Mr. Beutler offered the following amendment:
AM2091

1. On page 12, line 25; and page 13, lines 4 and 23, strike "fourteen" and insert "twenty".

The Beutler amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

Sec. of State Appt. Friday, February 24, 1984 1:30 p.m.
John Wherry— Nebraska Accountability and Disclosure Commission

(Signed) Elroy Hefner, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 724A. By Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 724, Eighty-eighth Legislature, Second Session, 1984.

RESOLUTION

LEGISLATIVE RESOLUTION 269.

Introduced by Schmit, 23rd District; Abboud, 12th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; DeCamp, 40th District; Eret, 32nd District; Fenger, 45th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hannibal, 4th District; Harris, 27th District; Hefner, 19th District; Higgins, 9th

District; Jacobson, 33rd District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Kahle, 37th District; Kilgarin, 7th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Marsh, 29th District; McDonald, 31st District; Morehead, 30th District; Newell, 13th District; Pappas, 42nd District; H. Peterson, 35th District; R. Peterson, 21st District; Remmers, 1st District; Rupp, 22nd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Congress approved the National Cemeteries Act of 1973, (Public Law 93-43) on June 18, 1973; and

WHEREAS, President Nixon affixed his signature to this legislation establishing within the Veterans' Administration a national cemetery system which would consist of national cemeteries transferred to the Veterans' Administration from the Department of the Army, cemeteries presently under the jurisdiction of the Veterans' Administration, and such other military cometeries as directed by the President as well as other cemeteries, memorials, or monuments which may be later acquired or developed; and

WHEREAS, the National Cemeteries Act of 1973 directed the Administrator of Veterans' Affairs to conduct a comprehensive study and submit his recommendations to the Congress as to what our national cemetery system and national burial policy should be; and

WHEREAS, the Veterans' Administration study of the National Cemetery System, conducted pursuant to provisions of Public Law 93-43 was released January 22, 1974; and

WHEREAS, this study has revealed three alternative program considerations for future veteran burial benefits; and

WHEREAS, alternative number three of this study would expand the present system by providing a regional cemetery in each of the ten standard federal regions, establish federally assisted state cemeteries, or do both; and

WHEREAS, alternative number three meets the basic principles discussed in connection with establishing criteria for a sound veterans' burial system; and

WHEREAS, Federal Region VII is composed of the states of Nebraska, Kansas, Iowa, and Missouri; and

WHEREAS, Jefferson Barracks National Cemetery was expanded and designated as the Region VII cemetery; and

WHEREAS, this expansion and designation may have fulfilled alternative three of the recommendations to Congress for expansion of the national cemetery system, but did not alleviate the need for a national burial ground strategically located to best serve the veteran population of Region VII; and

WHEREAS, the County Service Officers Association of Nebraska, through their Legislative Chairperson, has been instrumental as early as 1968 in suggesting that a portion of the old Mead, Nebraska, Ordnance Plant area located approximately equidistant from Lincoln and Omaha, Nebraska, presently owned by the United States government, be devoted to the establishment of a new regional national cemetery providing burial space reasonably close to their homes for veterans of eastern Nebraska, western Iowa, northwestern Missouri, northeastern Kansas, and eastern South Dakota; and

WHEREAS, the veterans organizations of Nebraska, including the American Legion, Veterans of Foreign Wars, WWI Barracks, Disabled American Veterans, and Paraplegic Veterans, recognize the need for a centrally located national cemetery near the more densely populated area of these five states; and

WHEREAS, the demand for burials in national cemeteries of veterans of WWI, WWII, and the Korean and Vietnam era will be ever increasing due to their advancing age and reduction in monetary burial payments by the Veterans' Administration; and

WHEREAS, the proposed use of land suitable for burial purposes in the old Mead Ordnance Plant area, Mead, Nebraska, would be a centralized location with adequate hard-surface roads for accessibility.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recommends to the Administrator of the Veterans' Administration, Harry N. Walters, the serious consideration of the Mead, Nebraska, site for a new regional cemetery.
2. That copies of this resolution be transmitted by the Clerk of the Nebraska Legislature to the Administrator of the Veterans' Administration, Harry N. Walters; to each member of the Nebraska congressional delegation; to the congressional delegations of the states of Iowa, South Dakota, Kansas, and Missouri; and to the recognized national veterans organizations named in this resolution, seeking their influence and support of this proposal.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 960 in the Journal. No objections. So ordered.

AM2030

1. On page 5, line 1, after the underscored period insert "Supportive evidence shall be weighed

relative to the mission of the institution of the appointee."; and in line 6 strike "talent" and insert "performance".

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1006. Placed on General File as amended.
Standing Committee amendments to LB 1006:
AM2079

1. On page 2 strike the new matter and reinstate the stricken matter; in line 3 strike "The", show as stricken, and insert "Except as provided in subdivision (4)(b) of this section, the".

2. On page 3 strike the new matter and reinstate the stricken matter; in line 14 after the reinstated "(4)" insert "(a)"; and in line 16 after "81-502" insert ", when such compliance review is not delegated to qualified local fire prevention personnel,".

3. On page 4, strike the new matter and insert the following new subdivision:

"(b) When compliance review is delegated by the State Fire Marshal to qualified local fire prevention personnel, the political subdivision employing such personnel may establish and assess fees for review using a city fire safety code if such political subdivision has one. When compliance review is being carried out pursuant to the fire safety code adopted by the State Fire Marshal, the political subdivision shall assess fees as set forth in subdivision (4)(a) of this section. If the local fire prevention personnel conducts a review using both the state fire safety code and the city fire safety code, the fees charged shall not be greater than the higher of either of the individual fees.".

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 682 in the Journal. No objections. So ordered.

AM2055

1. On page 8, line 2; page 17, line 1; page

22, line 19; and page 28, line 8 strike "one" and insert "five".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 934. Placed on Select File as amended.
E & R amendments to LB 934:
AM5289

1. On page 1, line 5, strike "clarify" and insert "change".

2. On page 2, line 4, strike the comma and show as stricken; in line 5 strike the first comma and show as stricken; and in line 21 after "States" insert an underscored comma and strike the first comma and show as stricken.

3. On page 3, line 9, after the comma insert "in"; and in line 15 strike the comma.

4. On page 4, line 1, strike ", and in", show as stricken, and insert ". In"; and in line 20 after the comma insert "are".

LEGISLATIVE BILL 1032. Placed on Select File as amended.
E & R amendments to LB 1032:
AM5290

1. On page 1, line 4, strike "operating"; and in line 6 after "of" insert "certain".

2. On page 2, line 5, strike the comma and show as stricken.

3. On page 4, line 9, after "given" insert an underscored comma.

LEGISLATIVE BILL 222. Placed on Select File as amended.
E & R amendments to LB 222:
AM5291

1. Because of the amendment of section 84-1332 by Laws 1983, LB 604, section 27, strike original section 1 and insert the following new section:

"Section 1. That section 84-1332, Revised Statutes Supplement, 1983, be amended to read as follows:

84-1332. (1) Any county employee who is a member under a county employees' ~~employees~~ retirement system, including retirement systems authorized by section 23-1118, and whose status as a county employee is changed by the Legislature to that of a state employee shall, upon application to the Public Employees Retirement Board and to the county, or to the county board of a county having a retirement system authorized by section 23-1118, obtain full and immediate vesting in any prior service retirement benefits and any future service retirement benefits which have been accrued to the date of transfer, except that the employee may not withdraw the amount in his or her employee account prior to his or her retirement and still receive such vested benefits. Each employee's service as a county employee, after he or she attains age thirty ~~has attained the minimum age required under the State Employees Retirement System~~ and has completed two years of service, shall be credited as though it were participation in the State Employees Retirement System for purposes of calculating the termination benefits established by section 84-1321.

(2) Any county employee whose status as a county employee is or has been changed by the Legislature to that of a state employee shall be eligible for immediate participation in the State Employees Retirement System with no minimum period of service required if the minimum age requirement of the State Employees Retirement System is satisfied~~,~~ or, if the minimum age requirement is not satisfied on the date of transfer, the employee shall be eligible to participate at the date he or she satisfies the minimum age requirement.".

2. On page 1, strike beginning with "to" in line 1 through "retirement" in line 3 and insert "relating to retirement; to amend section 84-1332, Revised Statutes Supplement, 1983"; and in line 4 strike "transferred" and insert "certain".

3. On page 3, strike beginning with "Reissue" in line 7 through "1943" in line 8 and insert "Revised Statutes Supplement, 1983".

LEGISLATIVE BILL 473. Placed on Select File as amended.
E & R amendments to LB 473:
AM5285

Because of page and line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. On page 1, line 3, strike "1-136.02," and "81-198, 84-301,"; in line 7 after the semicolon insert

"to state intent;" in line 9 after "change" insert "provisions relating to certification, registration," and after "examination" insert a comma; in line 10 strike "requirements for certain accountants"; in line 11 after the second semicolon insert "to authorize the use of certain titles and designations; to change bond requirements; to change provisions relating to continuing education; to provide for the construction of an act; to reestablish the board;"; and strike beginning with "provide" in line 13 through "review" in line 14 and insert "harmonize provisions; to eliminate certain provisions relating to registration as a public accountant".

2. In the Standing Committee amendments, AM1628, adopted February 15, 1984:

a. On page 1, line 18, strike ", and", show as stricken, and insert ". One"; and in line 19 strike "one" and show as stricken;

b. On page 2, line 5, strike the comma and show as stricken;

c. On page 3, line 2, strike "shall have", show as stricken, and insert "has"; in line 3 strike "shall have" and show as stricken; in line 5 strike the comma and show as stricken; and in line 6 strike the first comma and show as stricken;

d. On page 4, line 1, strike "shall have", show as stricken, and insert "has"; in line 11 strike "the", show as stricken, and insert "such"; in line 12 strike "described in subdivision" and "(3) of section 1-114" and show the old matter as stricken; and in line 24 strike the comma and show as stricken;

e. On page 5, line 9, strike "his or her", show "his" as stricken, and insert "a";

f. On page 7, line 5, strike the comma and show as stricken; in line 7 strike "possessing", show as stricken, and insert "who possesses"; in line 11 strike the comma, show as stricken, and insert "and"; and in line 13 strike the second comma and show as stricken;

g. On page 9, line 3, reinstate the stricken comma and strike "or", show as stricken, and insert "by a"; in line 4 strike "or" and show as stricken; in line 5 strike "or", show as stricken, and insert ", by"; in line 6 strike "or" and show as stricken; in line 7 after "or" insert "by" and strike the second comma and show as stricken; and in line 18 strike the comma and show as stricken;

h. On page 10, line 11, strike "and", show as stricken, and insert an underscored comma; and in line 13 after "1-133" insert an underscored comma and strike "the", show as stricken, and insert "to";

i. On page 11, line 7, strike the comma and show as stricken; in line 8 strike the first comma and show as stricken; in line 11 after "permit" insert an underscored comma; in line 12 after the first "be" insert an underscored comma; and in lines 14, 17, 20, and 23 strike the comma and show as stricken;

j. On page 12, in lines 3 and 6, strike the comma and show as stricken;

k. On page 13, in lines 6, 9, and 11, strike the comma and show as stricken;

l. On page 14, strike beginning with the comma in line 3 through "regulations" in line 4, show as stricken, and insert "which"; and in line 7 after "requirement" insert an underscored comma;

m. On page 15, line 23, strike the comma and show as stricken;

n. On page 18, line 3, strike the comma and show as stricken;

o. On page 19, in lines 13 and 22, strike the comma and show as stricken; and in line 16 strike the comma and the second "oath" and show both as stricken; and

p. On page 20, line 10, after the last comma insert "and"; and strike beginning with "and" in line 12 through the last comma in line 13.

3. In lieu of the Warner amendment adopted February 15, 1984, found on page 971 of the Journal, in the Standing Committee amendments, AM1628:

a. On page 16, line 3, strike "There is hereby reestablished" and insert "Notwithstanding the provisions of sections 81-196 to 81-1,108,"; and in line 4 after "Accountancy" insert "is hereby reestablished";

b. Strike section 25; and

c. Renumber remaining sections accordingly.

LEGISLATIVE BILL 791. Placed on Select File as amended.
E & R amendments to LB 791:
AM5286

1. For purposes of correlation with section 1, LB 796:

a. On page 1, line 2, and page 2, line 2, after "1983" insert ", as amended by section 1, Legislative Bill 796, Eighty-eighth Legislature, Second Session, 1984";

b. On page 2, line 8, after "property" insert a comma; in line 12 after the second "the" insert "~~constitution~~" and add underscoring to "Constitution"; and in line 26 strike the stricken matter and remove the underscoring;

c. On page 3, line 6, strike the stricken matter and remove the underscoring; in line 11 strike "and"; and in line 12 after "devices" insert ", and oxygen sold under a doctor's prescription for aid in human respiration";

d. On page 4, line 6, after "state" insert a comma; and in line 7 after "sale" insert a comma;

e. On page 6, line 21, after "telephone" insert a comma; in line 22 after the first comma insert "and" and strike the second comma; and in line 23 after the first "and" insert "for" and remove the underscoring;

f. On page 7, line 25, after "commercial" insert a comma;

g. On page 8, line 2, after "by" insert a comma; in line 3 strike "organization, procedure, and"; and in lines 17 and 20 strike the stricken matter and remove the underscoring;

h. On page 9, line 23, strike both commas; and in line 27 after "stock" insert a comma;

i. On page 10, line 1, after "person" insert a comma; in lines 9, 10, and 15 strike the comma; and in lines 19 and 20 strike the stricken matter and remove the underscoring;

j. On page 11, line 9, strike the second comma; and

k. On page 12, line 7, after the second comma insert "as amended by section 1, Legislative Bill 796, Eighty-eighth Legislature, Second Session, 1984,".

2. In lieu of the V. Johnson amendment adopted February 15, 1984, in the Standing Committee amendment, AM1725, on page 1, line 4, after "services" insert "or when the health clinic receives funds under the Urban Health Initiative Program or the Rural Health Initiative Program of the United States Public Health Service".

3. On page 1, in lines 1 and 4, strike "tax" and insert "and use taxes".

4. On page 2, line 9, strike the third comma and show as stricken.

5. On page 4, line 15, strike the comma and show as stricken; and in line 27 strike "or" and show as stricken.

6. On page 5, line 1, after the first "facility" insert an underscored comma.

7. On page 9, line 1, strike the colon and show as stricken; and in line 2 strike "A", show as stricken, and insert "a".

(Signed) Rod Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 723. E & R amendment, AM5219, found in the Journal on page 590 for the Sixteenth Day was adopted.

Mr. Sieck asked unanimous consent to be excused. No objections. So ordered.

Mr. Fenger renewed his pending amendment, AM1859, found in the Journal on page 759.

The Fenger amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 130. E & R amendments, AM5220, found in the Journal on page 591 for the Sixteenth Day were adopted.

Mr. H. Peterson renewed his pending amendment, AM1789, found in the Journal on page 676.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. H. Peterson requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Barrett Beyer Carsten Chronister Clark
Fenger Goll Haberman Hefner Jacobson
Johnson, L. Kahle Labedz Lamb Morehead
Nichol Peterson, H. Peterson, R. Pirsch Remmers
Von Minden Warner

Voting in the negative, 19:

Chambers Goodrich Hannibal Harris Johnson, V.
Kilgarin Landis Lundy Marsh McDonald
Newell Pappas Rupp Schmit Scofield
Vickers Wagner Wesely Withem

Present and not voting, 3:

Beutler Eret Higgins

Excused and not voting, 5:

Abboud DeCamp Hoagland Johnson, R. Sieck

The H. Peterson amendment lost with 22 ayes, 19 nays, 3 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 1095. Placed on General File.

LEGISLATIVE BILL 916. Placed on General File as amended.
Standing Committee amendments to LB 916:
AM2054

1. Strike original sections 14 through 16 and insert the following:

"Sec. 14. Mobile home shall mean a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit.

Sec. 15. Mobile home park shall mean a parcel or contiguous parcels of land which have been so designated and improved that the parcel or parcels contains two or more mobile home lots available to the general public for the placement thereon of mobile homes for occupancy. The term mobile home park shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by any individual, corporation, company, or other entity on its own premises and used exclusively to house its own labor force, and shall not include real property which is rented or held out for rent for seasonal recreational purposes only and which is not intended for year-round occupancy.

Sec. 16. Mobile home space shall mean a designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.".

2. On page 9, line 18, after "home" insert "unless otherwise agreed in writing. If the written rental agreement requires the removal by the tenant of the mobile home at the expiration of the lease period at the landlord's option, the landlord shall give the tenant thirty days notice before exercising such option".

3. On page 10, line 2, strike "a" and insert "an oral"; and in line 19 strike "and" and insert a comma and after "fees" insert ", and court costs".

4. On page 11, strike beginning with "This" in line 11 through the period in line 13 and insert "Upon termination of a landlord's interest in a mobile home park, the provisions of this section relating to disclosure and any written rental agreements in effect at the time of the termination shall extend to and be enforceable against any successor landlord, owner, or manager.".

5. On page 15, line 8, strike "space" and insert "park"; and in line 17 strike "require" and insert "requires".

6. On page 17, line 20, after the period insert "The landlord may change, add, delete, or amend the rules and regulations without sixty days notice only with the written consent of at least one adult resident from a minimum of sixty per cent of the households in the mobile home park. Adult resident shall mean a resident who has achieved the age of majority as defined in section 38-101." and strike "is"; and in line 21 strike "unreasonable, deceptive, or".

7. On page 18, strike beginning with "unless" in line 5 through "regulations" in line 7 and insert "on the basis of race, color, religion, sex, or national origin"; in line 12 after "agreement" insert ''. A landlord may restrict the movement of mobile homes to reasonable hours and may require that all work in connection with the removal or installation of a mobile home, including, but not limited to, the hook-up or disconnection of utilities, be done in a good and workmanlike manner"; and strike lines 13 through 25 and insert

"(3) Deny any resident of a mobile home park the right to sell that person's mobile home at a price of his or her own choosing. The tenant shall, prior to selling the mobile home, give notice to the landlord, including, but not limited to, the name of the prospective purchaser. Unless otherwise agreed in writing, the landlord may reserve the right to approve or disapprove the prospective purchaser of the mobile home as a tenant within ten days after receiving notice of the intended sale. Any disapproval shall be in writing and shall be delivered to such tenant either in person or by registered mail. The landlord shall not unreasonably refuse or restrict the sale by a tenant of a mobile home located in his or her mobile home park, but the landlord may consider the size, ages, and composition of the prospective purchaser's family in determining if the mobile home purchaser may leave the home in the park. The landlord may also, in order to upgrade the quality of the mobile home park, prescribe reasonable requirements governing the age, physical appearance, size, or quality of the mobile home. In the event of a sale to a third party or mutual termination of the rental agreement, the landlord may within ten days after receiving written notice of the pending sale or mutual termination require that any mobile home that is no longer appropriate for the mobile home park or that is in disrepair be repaired to the landlord's satisfaction or removed from the park within sixty days. The landlord shall specify in writing the reasons for disapproval of the mobile home;".

8. On page 19, line 2, after the semicolon insert "or"; strike beginning with the semicolon in line 6 through "affairs" in line 9; and in line 12 after "prevent" insert "substantial".

9. On page 20, line 19, after "any" insert "material".

10. On page 22, strike beginning with "if" in line 12 through "otherwise" in line 15 and insert ". Only in the event the breach is remediable by repairs or the payment of damages"; and in line 20 strike "three" and insert "five".

11. Strike original section 54 and insert:

"Sec. 54. Failure to enforce any portion of the rental agreement or to enforce any violation of the rules or regulations shall not constitute a waiver of the right to enforce the agreement against a subsequent violation.".

13. Insert the following new section:

"Sec. 63. This act shall become operative on January 1, 1985.".

LEGISLATIVE BILL 974. Placed on General File as amended.
Standing Committee amendments to LB 974:
AM2064

1. On page 2, lines 7 and 26, strike "terminating" and insert "for the termination of"; in line 27 strike "an" and insert "the", strike "may" and insert "shall", and strike "pursuant to" and insert "directly to the Supreme Court in the same manner as cases appealed from a separate juvenile court pursuant to section 43- 2,126.".

2. On page 3, strike line 1; in line 13 strike "terminating" and insert "in proceedings for the termination of"; and in line 22 after "and" insert "except in proceedings for the termination of parental rights,".

(Signed) Chris Beutler, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 235CA. Placed on General File.

(Signed) Bernice Labedz, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 877. Indefinitely postponed
LEGISLATIVE BILL 1063. Indefinitely postponed.

(Signed) George Fenger, Chairperson

PRESIDENT MCGINLEY PRESIDING

The Chair declared the Call raised.

GENERAL FILE

LEGISLATIVE BILL 772. Title read. Considered.

Standing Committee amendments, AM1982, found in the Journal on page 915 for the Twenty-Sixth Day were considered.

Mr. Warner moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Standing Committee amendments were adopted with 36 ayes, 7 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 772A. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 130. Considered.

Mr. Wesely renewed his pending amendment, AM1829, found in the Journal on page 708.

Mr. Wesely moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Wesely amendment was adopted with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM1832, found in the Journal on page 758. No objections. So ordered.

Mr. V. Johnson offered the following amendment:
AM2034

1. On page 3, line 13, after the second underscored comma insert "a preschool program conducted in a school approved pursuant to section 79-328,".
2. On page 4, line 25, after the underscored period insert "Such standards shall not require the use of any specific instructional materials or affect the contents of any course of instruction which may be offered by a program.".

The V. Johnson amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Mr. H. Peterson requested a machine vote on the advancement of the bill.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Beutler
Chambers
Chronister
Eret
Goodrich
Hannibal
Harris
Johnson, V.
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Pappas
Rupp
Schmit
Scofield
Vickers
Warner
Wesely
Withem

Voting in the negative, 20:

Abboud
Barrett
Beyer
Carsten
Clark
Fenger
Goll
Haberman
Hefner
Jacobson
Johnson, L.
Johnson, R.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Von Minden
Wagner

Present and not voting, 2:

Higgins
Pirsch

Excused and not voting, 3:

DeCamp
Hoagland
Sieck

Failed to advance to E & R for Engrossment with 24 ayes, 20 nays, 2

present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 942. Placed on General File.
LEGISLATIVE BILL 1098. Placed on General File.

LEGISLATIVE BILL 930. Placed on General File as amended.
Standing Committee amendment to LB 930:
AM2051

1. Strike the original sections and insert the following new sections:

"Section 1. (1) The county superintendent of each county in which a Class VI school is not maintained shall, within thirty days after the annual meeting, certify to the county board of supervisors or commissioners the number of qualified pupils whose parents or guardians have applied to the county superintendent for nonresident high school tuition privileges or special education requirements and a list of school districts and servicing agencies for handicapped pupils which have been approved by the State Board of Education as schools or service agencies qualified to grant nonresident public high school education or special education programs to nonresident pupils under the provisions of sections 79-494 to 79-4,106 for nonhandicapped pupils and under the provisions of sections 43-606 and 43-646, for handicapped high school age pupils.

(2) The high school tuition rate for nonresident pupils shall be determined annually by the receiving district on a uniform taxation basis for the support of the high school program of the receiving district. (a) The calculation shall take from the most current annual term finance report of the receiving district on file with the State Department of Education the total current expense listed on line 294 under the secondary column and, when necessary, adjustments shall be made to reflect such expense for grades nine through twelve only, plus ten per cent depreciation listed on line 470 under the secondary column. (b) Such figure shall be divided by an amount equal to the most current total valuation on record with the county clerk of the

receiving district plus the valuation determined by multiplying the most current valuation on record with the county clerk of all Class I school districts, not part of any Class VI district, in the county times a ratio equal to the number of students from the county registered to attend the receiving district for the ensuing year to the total number of nonresident students registered in the county for the ensuing year. (c) The figure resulting from dividing the expenses in subdivision (a) of this subsection by the total valuation in subdivision (b) of this subsection shall determine a levy to be assessed against such total valuation determined in subdivision (b) of this subsection for the operation of the secondary level program.

The levy determined shall be multiplied by the proportion of the total valuation of the Class I school districts of each county served by the receiving district to determine the dollars to be raised by the Class I districts and the product of such computation shall be divided by the total number of nonresident pupils registered to attend the receiving district to determine the per pupil rate for nonhandicapped pupils. The rate to be certified by the receiving district for the ensuing school year may be any amount decided by the receiving board but not less than the per pupil cost and shall not exceed one hundred twenty-five per cent of the computed rate determined by this section. There shall be added to the certified rate an additional service rate for handicapped pupils as provided by the rules and regulations adopted and promulgated by the State Board of Education. The superintendent of the receiving school shall certify such high school tuition rate for nonresident pupils to the county superintendent on or before the second Monday of July in each year.

(3) Any taxpayer may appeal from the action of the county board of equalization in resident high school tuition in the manner provided in sections 77-1606 to 77-1610. The county treasurer, the county superintendent, and each school district receiving funds from the nonresident high school tuition affected by the appeal shall be necessary parties. If the taxpayer alleges that the levy for nonresident high school tuition is for an unlawful or unnecessary purpose or in excess of the requirements of the school district fixing

nonresident high school tuition, such appeal shall not in any manner suspend the collection of any tax, nor the duties of the officers relating to such tax collection while such appeal is pending. Notwithstanding the provisions of section 77- 1606, such appeal shall not suspend or stay in any manner the distribution of nonresident high school tuition funds.

(4) A taxpayer initiating an appeal may, as a part of such appeal and without instituting a separate action, apply to the court for injunctive relief pursuant to the provisions of sections 25- 1062 to 25- 1080 to stay or suspend the distribution of nonresident high school tuition funds while the appeal is pending. If an appeal is brought under this subsection and the court orders the taxpayer to give security, such security shall be an amount sufficient to secure the party enjoined and any other necessary party the damages he, she, or it may sustain, if the court decides that the injunction was wrongfully granted.

Sec. 2. That section 79-498, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-498. To be entitled under section 79-494 to nonresident public school education in the tenth, eleventh, or twelfth grade of any public school district maintaining such grade, a pupil must have a certificate signed by the county superintendent of the proper county that he or she has completed the course of study for the preceding grade, and that he or she is unable to secure instruction in the next advanced grade in the public school district of his or her residence. When ~~;~~ ~~Provided, that when~~ a school district is annexed to or merged with another district, the board of education of the annexing district may pay the tuition in the amount provided for by section 1 of this act ~~79- 4,102~~ of students who at the time of such annexation are attending high school in a district other than such annexing district, for such time as may be necessary to complete the prescribed high school course for graduation in such other district.

Sec. 3. That section 79-4,100, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,100. Any public high school district may refuse admission to any or all nonresident pupils, if the amount of nonresident high school tuition as fixed in section 1 of this act ~~79- 4,102~~ is not compensatory, or if such nonresident pupils are from districts which are not now being served or have not previously been served by the high school district, except ~~; Provided,~~ that no public high school district may refuse admission to nonresident pupils effective prior to the beginning of the 1963-1964 school year, and effective then, or at the beginning of any school year thereafter, only if notice of its intention to refuse admission to nonresident pupils has been given ~~by July 15, 1963, for the 1963- 1964 school year, and~~ by October 1 of the preceding year for the 1964-1965 school year and the school years thereafter, by publication in a legal newspaper in the county where such high school is located. Any ~~; and provided further, that any~~ school district may by public notification prior to October 1 require that the parents or guardians of all nonresident pupils must make application on or before April 1 for admission to the following school term.

Sec. 4. Commencing January 1, 1985, the high school tuition rate for nonresident pupils shall be determined annually by the finance division of the State Department of Education on a uniform taxation basis for the support of the high school program of the receiving district. Based on data provided to the State Department of Education pursuant to the requirements of sections 79- 451, 79- 1331, and 79- 1333.02, data identifying the residence of enrolled nonresident students provided by the county superintendents, and such other data necessary to complete the calculations required by this section, the high school tuition charge shall be determined as follows:

(1) The total current expense of the receiving district, as shown on the most recent annual term summary report on file with the State Department of Education, for operations supporting the program in grades nine through twelve only, based on the weighted values per grade level established in section 79- 1334, shall be determined;

(2) A combined valuation tax base shall be established, from data on file with the county assessors and the Department of Revenue, based on the sum of the total current valuation of the receiving district and a proportionate share of the current valuation of all

Class I school districts not a part of any Class VI school district in each county where nonresident students registered to attend the receiving district for the ensuing school year reside. The receiving district's proportionate share of Class I district valuation shall be determined by multiplying the total current valuation of Class I districts not a part of any Class VI district in each county times a ratio equal to the total number of students from each such county who have registered to attend the receiving district for the immediately preceding five- year period for which enrollment data is available compared to the total number of nonresident students who have registered in each such county for the immediately preceding five- year period;

(3) The receiving district's proportionate share of Class I valuation, determined in subdivision (2) of this section, shall be divided by the combined valuation tax base, determined in subdivision (2) of this section, to derive a percentage. Such percentage shall be multiplied by the total current expense figure of the receiving district, determined in subdivision (1) of this section, to arrive at a figure representing the nonresident students' unadjusted share of operational expense. To such share shall be added a capitalization charge equal to ten per cent of the insurable or present value of the school plant and equipment used in support of the program operated in grades nine through twelve multiplied by the per cent equal to the number of nonresident students who have registered to attend the receiving district for the immediately preceding five- year period for which enrollment data is available divided by the total enrollment of the receiving district in grades nine through twelve for such five- year period;

(4) The total current charge for nonresident high school students, determined in subdivision (3) of this section, shall be adjusted to reflect increasing or decreasing costs. The total current charge for nonresident students shall be multiplied by the annual cost of education index to be established by the State Department of Education. Such index shall be based on the average of the annual increases and decreases in the total disbursements in support of the operation of the public schools during the immediately preceding

five- year period for which such information is available. The cost of education index shall be computed annually pursuant to guidelines established in the rules and regulations adopted and promulgated by the State Board of Education; and

(5) There shall be added to the adjusted nonresident tuition charge, determined in subdivision (4) of this section, an additional service charge for handicapped pupils as provided by the rules and regulations adopted and promulgated by the State Board of Education. The State Department of Education shall certify such high school tuition charge to the receiving district which may reduce such charge to any amount decided by the receiving district's school board or board of education, except that such amount shall not be less than the per pupil cost in the district as stated in the immediately preceding annual term finance report on file with the State Department of Education. The superintendent of the receiving district shall certify the nonresident high school tuition charge to the county superintendent for transmittal to the county treasurer and each receiving district on or before March 31 of each year.

Sec. 5. That original sections 79-498 and 79-4,100, Reissue Revised Statutes of Nebraska, 1943, and also section 79-4,102, Revised Statutes Supplement, 1982, are repealed.".

(Signed) Tom Vickers, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 833. Placed on Select File as amended.
E & R amendments to LB 833:
AM5293

1. On page 1, line 4, after "assessment" insert "and reappraisal"; and in line 5 strike "an" and strike "date" and insert "dates".

2. On page 2, in lines 26 and 27, strike the comma.

3. On page 4, in lines 6, 8, 10, and 23, strike the comma and show as stricken.

4. In the Standing Committee Amendments, AM1706, on page 1, line 6, after "of" insert "this".

LEGISLATIVE BILL 833A. Placed on Select File.

LEGISLATIVE BILL 657. Placed on Select File as amended.
E & R amendment to LB 657:
AM5287

1. On page 1, strike beginning with "provide" in line 1 through "debtor" in line 3 and insert "prevent the abatement of child support judgments as prescribed".

LEGISLATIVE BILL 767. Placed on Select File as amended.
E & R amendments to LB 767:
AM5288

1. On page 1, line 2, after "Act" insert "; and to provide for termination".

2. In the Standing Committee amendments, AM1735, adopted February 15, 1984:

a. On page 3, strike beginning with "standard" in line 6 through "of" in line 7; in line 8 strike "for" and insert "of" and after "Materials" insert "Standards For Specifications for Automotive Gasolines D439"; in line 10 strike the comma; in line 18 strike "and" and insert "or"; in line 20 strike "Material" and insert "Materials"; in line 23 strike the comma; and strike beginning with "the" in line 24 through "Materials" in line 25 and insert "such society";

b. On page 4. line 4, strike the third comma; in line 12 strike "with" and insert ": With"; in line 13 after "or" insert "with" and strike the comma; in line 18 strike the third comma; and in line 23 strike "who" and insert "which"; and

c. On page 5, line 3, strike the comma; and in line 9 strike "reinacted" and insert "reenacted".

LEGISLATIVE BILL 767A. Placed on Select File.

LEGISLATIVE BILL 658. Placed on Select File as amended.
E & R amendments to LB 658:
AM5292

1. On page 1, line 4, strike "visually and".

2. On page 2, line 4, strike the second comma and show as stricken; in line 18 strike the comma; and in line 22 strike the first comma.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Expedite LB 772 and LB 772A

Mr. Warner asked unanimous consent to expedite LB 772 and LB 772A. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 782. E & R amendment, AM5237, found in the Journal on page 628 for the Seventeenth Day was adopted.

Mr. Newell asked unanimous consent to withdraw his pending amendment, AM2014, found in the Journal on page 979. No objections. So ordered.

Messrs. Newell and Beutler offered the following amendment:
On page 1, line 15, after the underscored period insert "Any person performing the services shall have completed any training requirements of his or her profession as required by law.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

The Newell-Beutler amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. H. Peterson requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

VISITORS

Visitors to the Chamber were 6 students, teachers, and parents from Jewish Day School in Omaha; six guests from Equatorial Guinea Legislature: Messrs. Francisco Ondo Eto, Pedro Segua Cachina, Alberto Mse Mba, Damaso Obiang Ndong, Ricardo Torao Oyo, Dr. Jose Eneme Oyono; Mr. Javier Larravide, and Ms. Rose Marie Aragon, U.S. State Department Escorts.

ADJOURNMENT

At 11:55 a.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Thursday, February 23, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 23, 1984

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 23, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend T. Daniel Casey, Central Church of the Nazarene, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused; and Messrs. Abboud, Hoagland, Schmit, Vickers, Wagner, Mesdames Higgins, Labedz, Morehead, Pirsch, Miss Kilgarin, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 805. Placed on Select File as amended.
E & R amendment to LB 805:
AM5294

1. On page 3, line 9, strike “It” and insert “The board”.

LEGISLATIVE BILL 960. Placed on Select File as amended.
E & R amendments to LB 960:
AM5295

1. On page 1, line 6, after “provide” insert “powers and”.
2. On page 2, lines 13, 24, and 25; page 3,

line 4; page 4, lines 4 and 7; page 5, line 8; and page 7, line 13, strike "Scholar" and insert "Scholars".

3. On page 2, line 25, strike the comma.

4. On page 4, line 19, after "scholar" insert "pursuant to the Eminent Scholars Program".

5. On page 6, line 15, strike the comma and show as stricken.

6. On page 7, line 8, strike the semicolon, show as stricken, and insert "and".

7. On page 8, line 8, strike both commas and show as stricken.

LEGISLATIVE BILL 960A. Placed on Select File as amended.
E & R amendment to LB 960A:
AM5296

1. On page 2, lines 2, 4, 7, and 9, strike "Scholar" and insert "Scholars".

(Signed) Rod Johnson, Chairperson

MESSAGES FROM THE GOVERNOR

February 21, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council requiring legislative confirmation:

Jerome I. Cohn, 110 South 67th Avenue, Omaha, Nebraska 68132, (402) 553-7419 (h) (402) 397-6100 (o) Term: 2/13/84 - 9/2/86. Succeeds: Irving Dana, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 21, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council requiring legislative confirmation:

Dick C.E. Davis, 224 South 108th Avenue, Omaha, NE 68154 - 691-2112. Term: 2/13/84 - 9/2/86. Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 21, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council requiring legislative confirmation:

Hod Kosman, Route 1, Box 119 A1, Scottsbluff, NE 69361 - (308) 632-3440 (h) (308) 632-2155 (o). Term: 2/13/84 - 9/2/86. Succeeds: William Fitzgerald, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 21, 1984

Mr. President, Mr. Speaker and

Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council requiring legislative confirmation:

Lois Roskens, 5930 Norman Road, Lincoln, NE 68154 - 423-4683.
Term: 2/13/84 - 9/2/86. Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 21, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council requiring legislative confirmation:

Jeanne Smith, Route 1, Box 29, Gordon, NE 69343 - (308) 282-0828.
Term: 2/13/84 - 9/2/86. Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 21, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol

Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council requiring legislative confirmation:

Gail Walling Yanney, 6520 Rainwood Road, Omaha, NE 68152 (402) 571-8110 (h) (402) 559-3225 (o) - Term: 2/13/84 - 9/2/86. Succeeds: Phyllis Acklie, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: 265 and 266.

RESOLUTION

LEGISLATIVE RESOLUTION 264. Read. Considered.

LR 264 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 268. Read. Considered.

LR 268 was adopted with 31 ayes, 0 nays, and 18 not voting.

GENERAL FILE

LEGISLATIVE BILL 835A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 14A. Title read. Considered.

Mr. Eret asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 7 nays, 13 present and not

voting, and 4 excused and not voting.

LEGISLATIVE BILL 976A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1056A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 990A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

Mrs. Labedz announced that the Constitutional Revision and Recreation Committee will meet in room 1019 on the Governor Appointment hearing of Stan Juelfs, Friday, February 24, 1984 at 1:30 p.m.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 290.

A BILL FOR AN ACT to amend sections 85-901, 85-907 to 85-911, 85-913, and 85-974, Reissue Revised Statutes of Nebraska, 1943, relating to postsecondary education; to restate intent; to change the powers and duties of the Nebraska Coordinating Commission for Postsecondary Education; to change provisions relating to such commission; to provide for a biennial report; and to repeal the original sections, and also section 85-916, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten

Chronister	Clark	Fenger	Goll	Goodrich
Haberman	Hannibal	Harris	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Johnson, V.	Newell

Excused and not voting, 2:

DeCamp	Eret

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 746 to Select File

Mr. Barrett moved to return LB 746 to Select File for the Barrett specific amendment, AM1952, found in the Journal on page 860.

The motion to return prevailed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 746. The Barrett specific amendment, AM1952, found in the Journal on page 860 was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 837.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-304 and 18-1507, Reissue Revised Statutes of Nebraska, 1943; to provide the length of a term for members on certain zoning boards; to prohibit the acquisition of certain airports; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Chronister
Haberman
Hoagland
Kahle
Marsh
Pappas
Rupp
Wagner
Barrett
Clark
Hannibal
Jacobson
Labedz
McDonald
Peterson, H.
Schmit
Warner
Beyer
Fenger
Harris
Johnson, L.
Lamb
Morehead
Peterson, R.
Scofield
Wesely
Carsten
Goll
Hefner
Johnson, R.
Landis
Newell
Pirsch
Vickers
Withem
Chambers
Goodrich
Higgins
Johnson, V.
Lundy
Nichol
Remmers
Von Minden

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Kilgarin

Excused and not voting, 3:

DeCamp
Eret
Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 947.

A BILL FOR AN ACT relating to liquor; to amend section 53-132, Revised Statutes Supplement, 1982, and sections 53-124, 53-131, 53-134, and 53-1,116, Revised Statutes Supplement, 1983; to change provisions relating to certain types of licenses; to change provisions relating to when a license may be issued; to eliminate a requirement that certain evidence be given under oath; to change provisions relating to the appeal of certain decisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Excused and not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 480. With Emergency.

A BILL FOR AN ACT relating to the State Real Estate Commission; to amend section 81-199, Reissue Revised Statutes of Nebraska, 1943, and section 81-885.25, Revised Statutes Supplement, 1983; to change a provision relating to the termination of such commission as prescribed; to provide for a description of certain facts; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz

Lamb Landis Lundy Marsh McDonald
Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Schmit
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 0.

Excused and not voting, 1:

DeCamp

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 481. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to change the name of the State Board of Examiners of Psychologists; to change provisions relating to such board; to define and redefine terms; to state intent; to provide procedures for handling complaints; to provide for defining conflicts of interest; to provide duties for the Director of Health; to provide for biennial license renewal; to change membership on certain examining boards; to change provisions relating to examinations; to change provisions relating to certain licenses; to change provisions relating to the practice of psychology; to change provisions relating to the authorization of certain activities by unlicensed persons; to harmonize provisions; to change fees; to change provisions relating to clinical psychologists; to eliminate a provision which terminated the State Board of Examiners of Psychologists; to amend sections 71-101, 71-102, 71-109, 71-110, 71-112, 71-114, 71-122, 71-139, 71-139.01, 71-149, 71-155, 71-161.09, 71-3801, 71-3802, 71-3806, 71-3807, 71-3808, 71-3810, 71-3811, 71-3813, 71-3814, 71-3817, 71-3818, 71-3819, 71-3825, 71-3827, 71-3828, 71-3829, and 71-3832 to 71-3836, Reissue Revised Statutes of Nebraska, 1943, sections 71-133 and 71-162, Revised Statutes Supplement, 1982, and sections 71-113, 71-116, 71-131, 71-140, and 81-197, Revised Statutes Supplement, 1983; to repeal the original sections, and also sections 71-3803, 71-3804, 71-3805, 71-3809, 71-3812, 71-3816, 71-3820 to 71-3822, 71-3824, and 71-3831, Reissue Revised Statutes of Nebraska, 1943, and section 71-3823, Revised Statutes Supplement, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill

pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Excused and not voting, 1:

DeCamp

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 416 in the Journal. No objections. So ordered.

AM2095

(Amendments to Final Reading Copy)

1. On page 3, line 3, after "care" insert "facility operated by a"; in line 6 strike "employing" and insert "utilizing"; and in line 13 strike the first "the" and insert "a" and after "hospital" insert "which operates a rehabilitation or long- term care facility".

2. On page 4, line 11, strike "hospital" and insert "rehabilitation or long- term care facility".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 845A. By Beutler, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 845, Eighty-eighth Legislature, Second Session, 1984.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 772. Placed on Select File.

LEGISLATIVE BILL 772A. Placed on Select File as amended.
E & R amendments to LB 772A:
AM5297

1. On page 1, strike beginning with "to" in line 4 through the semicolon in line 6.

2. On page 2, line 5, after "1984" insert ", the sums set out in this act except as otherwise appropriated".

3. On page 7, line 27, strike "Aged Survivors" and insert "Age and Survivors' ".

4. On page 17, in lines 16 and 17, and page 41, line 14, strike "Public Welfare" and insert "Social Services".

5. On page 42, line 3, strike "State" and insert "Survey".

6. On page 46, line 24, strike the first comma.

(Signed) Rod Johnson, Chairperson

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 808.

A BILL FOR AN ACT relating to secured transactions; to amend sections 52-203, 52-501, 52-701, 52-902, 52-1004, and 52-1102, Reissue Revised Statutes of Nebraska, 1943, section 54-201, Revised Statutes Supplement, 1982, and sections 9-301, 9-312, 9-403, 9-411, 9-414, and 9-415, Uniform Commercial Code; to provide fees; to change times for filing; to change dates for implementation of certain systems; to provide duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill

pass?' "

Voting in the affirmative, 44:

Abboud Barrett Beyer Carsten Chronister
Clark Eret Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Hoagland Jacobson Johnson, L. Johnson, R. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 1:

Morehead

Present and not voting, 3:

Beutler Chambers Johnson, V.

Excused and not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 405 to Select File

Mr. Landis moved to return LB 405 to Select File for the following specific amendment:
AM2096

(Amendments to Final Reading Copy)

1. On page 1, lines 5 and 6 strike the new matter; and in line 9 after the period insert "If the distribution is of real property, the deed of distribution shall be recorded with the register of deeds.".

The motion to return prevailed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 405. The Landis specific amendment, AM2096, found in this day's Journal was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 703.

A BILL FOR AN ACT relating to fees; to amend section 33-139.01, Reissue Revised Statutes of Nebraska, 1943; to prohibit the receipt of witness and other fees by certain employees as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Johnson, L.
Johnson, V.

Excused and not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 696. With Emergency.

A BILL FOR AN ACT relating to the husband-wife privilege; to amend section 27-505, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change provisions relating to testimony against one's spouse in a criminal case; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Lundy
Rupp

Excused and not voting, 1:

DeCamp

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 911.

A BILL FOR AN ACT relating to waste disposal facilities; to provide public policy; to authorize certain public entities to enter into agreements with landfill or other waste disposal facility operators as prescribed; to provide an exemption; and to state intent.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Harris	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	Lundy

Excused and not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1028 to Select File

Speaker Nichol moved to return LB 1028 to Select File for the following specific amendment:

Strike the enacting clause.

Speaker Nichol asked unanimous consent to withdraw his pending motion to return LB 1028 to Select File. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1028. With Emergency.

A BILL FOR AN ACT relating to claims; to amend sections 81-8,211, 81-8,224, and 81-8,239, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,212, Revised Statutes Supplement, 1983; to change procedures relating to claims against the state; to change the powers and duties of the Attorney General and the State Claims Board; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Johnson, R. Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Lundy Marsh McDonald
Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Schmit
Scofield Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Excused and not voting, 2:

DeCamp Sieck

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MESSAGES FROM THE GOVERNOR

February 21, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Public Employees Retirement Board, requiring legislative confirmation:

Tamara S. Brandt, Route 4, Kearney, NE 68847 - (308)234-3739 (h) (308) 234-4571 (o) - Term: 2/21/84 - 1/1/87. Succeeds: T.J. Lynch, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 21, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Public Employees Retirement Board, requiring legislative confirmation:

Phillip Kaldahl, 1116 Lincoln Road, Bellevue, NE 68005 - 291-0235 (h) 291-6550 (o). Term: 2/21/84 - 1/1/87. Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 809. Placed on General File.

(Signed) Calvin Carsten, Chairperson

Public Works

LEGISLATIVE BILL 790. Placed on General File as amended.
Standing Committee amendment to LB 790:
AM2067

1. On page 2, strike beginning with "Upon" in line 1 through "hours" in line 4 and insert "(1) Unless otherwise provided by city or village ordinance, the Public Service Commission, upon complaint or on its own motion as to the crossing which is the subject of the complaint or motion, may direct that at such crossing any railroad car that is stored or parked on a railroad track which may be obstructing or obscuring the traveling public's view of any oncoming train"; in line 5 strike "any" and insert "the", strike the first "a" and insert "such", and strike the second "a"; and after line 10 insert:

"(2) When any railroad carrier fails, neglects, or refuses to promptly comply with an order of the commission issued under this section, it shall be guilty of a Class IV misdemeanor, except that it shall be fined not more than two hundred dollars for each offense. Each day of such neglect, refusal, or failure shall constitute a separate offense.".

(Signed) Loran Schmit, Chairperson

Education

LEGISLATIVE BILL 642. Placed on General File.

LEGISLATIVE BILL 665. Placed on General File as amended.
Standing Committee amendment to LB 665:
AM2093

1. On page 3, line 8, after "corporation" insert "for the purpose of issuing bonds for capital construction projects"; and in line 20 after "plan" insert "for a capital construction project".

(Signed) Tom Vickers, Chairperson

SELECT FILE

LEGISLATIVE BILL 705. E & R amendments, AM5242, found in the Journal on page 705 for the Twentieth Day were adopted.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM1937, found in the Journal on page 866. No

objections. So ordered.

Mr. Wesely offered the following amendment:
(Amendments to the Standing Committee Amendments)
1. On page 1, in line 3 before the semicolon insert ", and strike "is" through "receiving", show the old matter as stricken, and insert "will not receive".

The Wesely amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 700. E & R amendments, AM5245, found in the Journal on page 761 for the Twentieth Day were adopted.

Mrs. Labedz renewed her pending amendment, AM1924, found in the Journal on page 874.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mrs. Labedz requested a roll call vote on her amendment.

Voting in the affirmative, 23:

Beutler Chambers Eret Harris Higgins
Johnson, L. Johnson, R. Johnson, V. Kilgarin Labedz
Landis Marsh McDonald Morehead Newell
Pappas Pirsch Rupp Schmit Scofield
Sieck Wesely Withem

Voting in the negative, 23:

Abboud Barrett Beyer Carsten Chronister
Clark Fenger Goll Goodrich Haberman
Hannibal Hefner Jacobson Kahle Lamb
Lundy Nichol Peterson, H. Remmers Vickers
Von Minden Wagner Warner

Present and not voting, 2:

Hoagland Peterson, R.

Excused and not voting, 1:

DeCamp

The Labedz amendment lost with 23 ayes, 23 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Pending.

Messrs. Abboud and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 290, 837, 947, 480, 481, 808, 703, 696, 911, and 1028.

SELECT FILE

LEGISLATIVE BILL 700. Mr. Beutler offered the following amendment:
AM2097

1. Strike amendment 1 of the E & R amendments and renumber amendments 2 to 4 as 1 to 3 respectively.

2. Strike the Newell amendment to the Beutler amendment adopted January 31, 1984.

3. In the Beutler amendment adopted January 31, 1984, on page 1, strike beginning with "chosen" in line 4 through "employees" in line 5 and insert "appointed from the membership of the Nebraska Commission on the Status of Women".

Mr. Beutler moved for a Call of the House. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud	Beutler	Carsten	Clark	Fenger
Goll	Hefner	Jacobson	Johnson, L.	Johnson, R.
Lamb	Lundy	Nichol	Pappas	Peterson, H.
Peterson, R.	Remmers	Rupp	Sieck	Von Minden
Wagner				

Voting in the negative, 25:

Barrett Beyer Chambers Chronister Eret
Haberman Hannibal Harris Hoagland Johnson, V.
Kahle Kilgarin Labedz Landis Marsh
McDonald Morehead Newell Pirsch Schmit
Scofield Vickers Warner Wesely Withem

Present and not voting, 2:

Goodrich Higgins

Excused and not voting, 1:

DeCamp

The Beutler amendment lost with 21 ayes, 25 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Messrs. Pappas and Wagner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Advanced to E & R for Engrossment with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1013. Placed on General File as amended.
Standing Committee amendments to LB 1013:
AM2084

1. On page 2, line 5, strike "members of the Legislature or".

2. On page 3, line 23, after "disclosed" insert "by the Public Counsel or his or her investigators, employees, or agents".

3. On page 5, line 17, strike "or a member of the Legislature"; in line 19 strike "or"; and in line 23 strike "or a member of the Legislature" and after "employee" insert "; or

(3) Take personnel action against an employee as a reprisal for providing information or testimony to the Public Counsel, State Personnel Board, corresponding personnel appeals board, director, or chief operating officer pursuant to an investigation or hearing held pursuant to sections 1 to 8 of this act".

4. On page 6, line 4, after "all" insert "relevant" and after "information" insert "not otherwise precluded by law"; in line 15 after the underscored comma insert "or"; strike beginning with the first "the" in line 16 through "(d)" in line 18; in line 20 strike "or"; and in line 21 strike "Joint Merit System".

5. On page 7, line 1, strike "Joint Merit System Council,"; in line 10 strike "Joint Merit System"; in line 11 strike "Council,"; and strike beginning with "to" in line 24 through "Legislature" in line 25 and insert "or provided information to the Public Council or his or her investigators, employees, or agents in conjunction with a preliminary or formal investigation undertaken pursuant to section 3, 5, or 7 of this act".

6. On page 8, line 2, after "employee" insert "aggrieved by the decision rendered pursuant to section 6 of this act or a decision of the Public Counsel pursuant to section 5 of this act"; strike beginning with "to" in line 13 through "Legislature" in line 14 and insert "or provided information to the Public Council or his or her investigators, employees, or agents in conjunction with a preliminary or formal investigation undertaken pursuant to section 3, 5, or 7 of this act"; in line 25 strike "or member of the Legislature"; and strike beginning with "or" in line 26 through "Legislature" in line 27.

(Signed) David Landis, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 314. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2063.)

LEGISLATIVE BILL 761. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2062.)

(Signed) George Fenger, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 23, 1984, at 11:51 a.m., were the following bills: 290, 837, 947, 480, 481, 808, 703, 696, 911, and 1028.

(Signed) Jan Loder, Enrolling Clerk

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee Executive Session will meet Friday morning at 8:45 a.m. in Room 1520.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 1084 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2056.)

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 1042. Placed on General File as amended.
Standing Committee amendments to LB 1042:
AM2081

1. On page 2, strike beginning with "set" in line 4 through "sums" in line 7 and insert "place such deposit in an escrow account in any financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The financial institution shall be chosen by the dealer and the escrow account shall have the name of the supplier and the dealer and may also have the name of any other individual on the account. Upon the death of the licensed dealer, any deposit placed in a financial institution shall remain in the escrow account and earn interest until the end of the franchise lease, if applicable, or for one year, whichever is less. At the end of such period, the deposit plus accumulated interest shall become the property of the person, except the supplier, whose name appears on the escrow account.".

2. Insert the following new section:

"Sec. 2. Any individual who is required by the Rural Electrification Administration or any other electric power distributor to make a deposit for future use of electricity in the production of agricultural products shall receive interest on such deposit at a rate equal to the rate of interest specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature. The interest may be withdrawn from the deposit account.".

(Signed) Rex Haberman, Chairperson

VISITORS

Visitors to the Chamber were ninety-eight students and sponsor from Papillion La Vista High School; forty-two students and teachers from St. Joseph's School, Lincoln; twenty-seven students and teacher from St. John Lutheran School, Seward; three students and former Senator Wiitala from Benson High School, Omaha; and former Senator Ramey Whitney of Chappel.

ADJOURNMENT

At 12:05 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Friday, February 24, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 24, 1984

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend John Westerholm, Evangelical Free Church of Concord, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud and R. Johnson who were excused; and Messrs. Chronister, Clark, DeCamp, Goodrich, Hannibal, Hoagland, McDonald, Mrs. Pirsch, Ms. Scofield, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1085, line 14, strike "1019" and insert "1517".
The Journal for the Thirty-Second Day was approved as corrected.

MOTION - Commonwealth Committee Membership

Mr. V. Johnson moved that notwithstanding the provision of paragraph 7 following "Be it resolved by the members of the 88th Legislature, Second Session" of LR 229, Senator John DeCamp shall continue to serve as a member of the Special Commonwealth Committee.

Mr. Haberman requested a record vote on the V. Johnson motion.

Voting in the affirmative, 35:

Barrett
Beutler
Beyer
Chambers
Chronister

Eret Fenger Goll Haberman Hannibal
Harris Hefner Higgins Jacobson Johnson, L.
Johnson, V. Labedz Lamb Landis Marsh
Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Schmit
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 3:

Carsten Kahle Lundy

Present and not voting, 4:

Goodrich Hoagland Sieck Vickers

Excused and not voting, 7:

Abboud Clark DeCamp Johnson, R. Kilgarin
McDonald Scofield

The V. Johnson motion prevailed with 35 ayes, 3 nays, 4 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Please excuse the following members of the Special Commonwealth Committee on Friday, February 24, 1984, to attend the first day of the Douglas hearing: Senators Barrett, Beutler, Beyer, Carsten, Clark, DeCamp, Haberman, Vard Johnson, Labedz, Higgins, Nichol, Remmers, Schmit, Wagner, and Warner. No objections. So ordered.

REPORT

Received report of the minutes from The Board of Public Roads Classifications and Standards.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1001A. By Labedz, 5th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1001, Eighty-eighth Legislature, Second Session, 1984.

MESSAGES FROM THE GOVERNOR

February 21, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Comission for the Hearing Impaired, requiring legislative confirmation:

James E. Kamas, 443 South 13th Street, Lincoln, NE 68508 (402)476-1917 Term: 2/14/84 - 1/31/90 Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 21, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Comission for the Hearing Impaired, requiring legislative confirmation:

Berton Leavitt, 6841 Starr, Lincoln, NE 68505 (402)466-9415 Term: 2/14/84 - 1/31/90 Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 21, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Comission for the Hearing Impaired, requiring legislative confirmation:

Marie L. Williams, 1710 West 7th Street, Hastings, NE 68901 (402)462-6848 TTY Term: 2/14/84 - 1/31/90 Succeeds: Beverly Thomas, resigned, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 21, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Comission for the Hearing Impaired, requiring legislative confirmation:

Ralph L. Geisler, 12329 William Street, Omaha, NE 68144 (402)333-9776 (h) (402)333-6464 (o) Term: 2/14/84 - 1/31/88 Succeeds: Patricia Kuhr-Kloster, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

MOTION - Approve Appointments

Mr. Haberman moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointments found in the Journal on page 970: Dennis Grams, Department of Environmental Control; M.E. Whitehead, Agricultural Products Industrial Utilization Committee; Ronald Kelly, Agricultural Products Industrial Utilization Committee; Allen Kreuscher, Agricultural Products Industrial Utilization Committee; Phil James, Environmental Control Council; Dave Sands, Environmental Control Council; Dewey Anderson, Environmental Control Council; Steve Thomas, Environmental Control Council; Bill Miller, Environmental Control Council; Jim George, Environmental Control Council; Don D. Hutchens, Agricultural Products Industrial Utilization Committee.

Voting in the affirmative, 26:

Beutler Eret Fenger Goll Goodrich
Haberman Hannibal Hefner Hoagland Jacobson
Johnson, L. Landis Lundy Marsh Morehead
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Rupp Schmit Sieck Vickers Von Minden
Wesely

Voting in the negative, 0.

Present and not voting, 6:

Chronister Harris Kahle Lamb Newell
Withem

Excused and not voting, 17:

Abboud Barrett Beyer Carsten Chambers
Clark DeCamp Higgins Johnson, R. Johnson, V.
Kilgarin Labedz McDonald Remmers Scofield
Wagner Warner

The appointments were confirmed with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Mr. Schmit moved the adoption of the report of the Public Works Committee for the following Governor appointment found in the Journal on page 1019: G. Peter Burger, Oil & Gas Conservation Commission; James C. Patee, Motor Vehicle Licensing Board.

Voting in the affirmative, 27:

Beutler	Eret	Fenger	Goll	Haberman
Hannibal	Harris	Hoagland	Jacobson	Johnson, L.
Lamb	Landis	Lundy	Marsh	Morehead
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Schmit	Sieck	Vickers	Von Minden
Warner	Wesely			

Voting in the negative, 0.

Present and not voting, 7:

Chronister	Goodrich	Hefner	Kahle	Newell
Rupp	Withem			

Excused and not voting, 15:

Abboud	Barrett	Beyer	Carsten	Chambers
Clark	DeCamp	Higgins	Johnson, R.	Johnson, V.
Kilgarin	Labedz	McDonald	Scofield	Wagner

The appointments were confirmed with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 1028e and 837.

(Signed) Harold Sieck

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 23, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Eldien, Paul V. - Lincoln, Nebraska Elks Association
Knudsen, Berkheimer, Richardson & Endacott:
  Ruth, Larry L. - Lincoln, (Withdrawn 2/27/84) Nebraska

Association of Cooperative Credit Associations
Lombardi, Richard - Lincoln, Nebraska Association of Area Agencies on Aging
Peters, William E. - Lincoln, (Withdrawn 2/21/84) Railway Progress Institute
Remington, S. June - Lincoln, Nebraska Association of Community Mental Health Centers
Stonie, Clyde - Pender, Nebraska Sheriffs' and Peace Officers' Association

GENERAL FILE

LEGISLATIVE BILL 979. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 1045. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 1059. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 1064. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 968. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 3 nays, 3 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 1071. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 994. Placed on General File as amended.

(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2088.)

(Signed) Tom Vickers, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 13A. Placed on Select File as amended.
E & R amendment to LB 13A:
AM5298

1. In the Kilgarin amendment, AM1699, adopted February 16, 1984, on page 2, line 2, strike "Court" and insert "Courts".

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 799. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 1001. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 4 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 973. Title read. Considered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Advanced to E & R for Review with 28 ayes, 6 nays, 2 present and not voting, and 13 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 1113. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 1095. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 942. Title read. Considered.

Mr. Vickers offered the following amendment:
1. Page 4, line 11, following "or" insert "after the effective date of this act"
2. Page 5, line 5 strike the new language and reinstate the stricken language; and on line 9, following the period insert "After the effective date of this act districts may contract, pursuant to this subsection, for a period of one year and at the end of such one year period the district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such district has reached at least fifty students."
(Purpose-to basically grandfather in those contracting now. Alternative: give those contracting now only one more year to contract.)
3. Page 4, reinstate the stricken language, beginning with "This" on line 21, through the period in line 23.

The Vickers amendment was adopted with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 1098. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 870A. By Morehead, 30th District; Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 870, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

LEGISLATIVE BILL 418A. By Fenger, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 418, Eighty-eighth Legislature, Second

Session, 1984.

MESSAGES FROM THE GOVERNOR

February 24, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 290, 837, 947, 480, 481, 808, 703, 696, 911 and 1028 were received in my office on February 23, 1984.

These bills were signed by me on February 24, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:jm

February 24, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Manufactured Housing Advisory Board, requiring legislative confirmation:

Edward J. Kucirek, 6320 South 44th Street, Omaha, NE 68107
(402)731-8204 (h) (402)393-4100 (o) Term: 2/24/84 - 7/29/85
Succeeds: Robert J. Rohde, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 24, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Manufactured Housing Advisory Board, requiring legislative confirmation:

James C. Hille, 1312 Three Pines Court, Lincoln, NE 68510 489-2637(h) 476-9679(o) Term: 2/24/84 - 7/29/85 Succeeds: Von A. Innes, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 24, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Manufactured Housing Advisory Board, requiring legislative confirmation:

Robert L. Eddy, 4930 South 124th Street, Omaha, NE 68137 (402)895-4729(o) (402)332-3931(h) Term: 2/24/84 - 7/29/85 Succeeds: Harold Dwyer, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

GENERAL FILE

LEGISLATIVE BILL 652. Title read. Considered.

Standing Committee amendments, AM1743, printed separate from the Journal and referred to on page 544 for the Thirteenth Day were considered.

Mr. Withem offered the following amendment to the Standing Committee amendments:
Page 8, line 2 after "shall", delete "not" and add "also". Page 8, line 4 delete "unless" and insert "provided that".

The Withem amendment was adopted with 20 ayes, 0 nays, 11 present and not voting, and 18 excused and not voting.

Mr. Newell asked unanimous consent to withdraw his pending amendment found in the Journal on page 568. No objections. So ordered.

Mr. Newell requested a division of the question on the Standing Committee amendments as amended.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
5. Strike original section 4.

The first Standing Committee amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

The second Standing Committee amendment is the remainder of the Standing Committee amendments, Sections 1, 2, 3, 4, and 6.

The second Standing Committee amendment was adopted with 26 ayes, 3 nays, 3 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 679. Title read. Considered.

Mr. Landis renewed the Warner pending amendment, AM2008, found in the Journal on page 980.

The Warner amendment was adopted with 25 ayes, 0 nays, 7 present

and not voting, and 17 excused and not voting.

Standing Committee amendment, AM1812, found in the Journal on page 650 for the Seventeenth Day was adopted with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 660. Title read. Considered.

Standing Committee amendment, AM1813, found in the Journal on page 650 for the Seventeenth Day was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 956. Title read. Considered.

Standing Committee amendments, AM1806, found in the Journal on page 651 for the Seventeenth Day were adopted with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

SPEAKER NICHOL PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 1078. Placed on General File as amended.
Standing Committee amendments to LB 1078:
AM2082

1. On page 3, line 8, after the comma insert "including hazardous wastes,"; in line 20 after "entity" insert an underscored semicolon; and strike beginning with "except" in line 20 through line 21 and show as stricken.

2. On page 4, line 7, after "any" insert "air, land, or".

3. On page 7, strike beginning with "or" in line 9 through "regulations" in line 11 and show as stricken.

4. On page 12, line 8, after the semicolon

insert "and"; and strike beginning with "and" in line 19 through line 27.

5. On page 13, strike lines 1 through 4.

6. On page 15, line 27, reinstate the stricken matter.

7. On page 16, strike the new matter in lines 7 through 14.

8. On page 23, line 6, after the period insert "Neither the council nor the department shall alter this definition by regulation or interpretation. Any such alteration shall be void and unenforceable.".

9. On page 25, line 2, after the second comma insert "design and construction,".

10. On page 27, line 2, after "wastes" insert an underscored period; and strike beginning with "if" in line 2 through the period in line 3 and show as stricken.

11. On page 33, line 12, after the period insert "The terms of a surety bond or irrevocable letter of credit may provide for expiration or cancellation, but only at the end of fixed periods specified in such terms or upon at least thirty days' advance notice to the department. If the permittee or licensee does not provide replacement financial responsibility satisfactory to the director at least fifteen days prior to such cancellation or expiration, the department may proceed with forfeiture of the existing surety bond or letter of credit in accordance with subsection (4) of section 81-1507."; strike beginning with "arrange" in line 18 through the first "and" in line 20; and in line 26 strike the comma and insert "and".

12. On page 34, strike beginning with the second comma in line 2 through "applicant" in line 3.

13. Strike original section 4 and insert a new section as follows:

"Sec. 4. That section 81-1506, Revised Statutes Supplement, 1983, be amended to read as follows:

81-1506. (1) It shall be unlawful for any person:

(a) To cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters, or land of the state; or

(b) To discharge or emit any wastes into any air, waters, or land of the state which reduce the quality of such air, waters, or land below the air, water, or land quality standards established therefor by the council. Any such action is hereby declared to be a public nuisance. A livestock operation is not a nuisance if:

(i) Reasonable techniques are employed to keep dust, noise, insects, and odor at a minimum;

(ii) It is in compliance with applicable regulations adopted by the council and zoning regulations of the local governing body having jurisdiction; and

(iii) The action is brought by or on behalf of a person whose date of lawful possession of the land claimed to be affected by a livestock operation is subsequent either to the issuance of an appropriate permit by the department for such operation, or to the operation of the feedlot and an onsite inspection by the department is made, before or after filing of the suit, and the inspection reveals that no permit is required for such operation.

(2) It shall be unlawful for any person to carry on any of the following activities unless he or she holds a current permit therefor from the department, as is required by it, for the disposal of all wastes which are or may be discharged or emitted thereby into the air, waters, or land of the state:

(a) Discharges for which a permit is required under the National Pollutant Discharge Elimination System created by the Federal Water Pollution Control Act Amendments of 1972 in which case the issuance of such permits shall be according to rules and regulations adopted by the council pursuant to subsection (11) of section 81-1505 and to which other provisions of this section shall not apply;

(b) The construction, installation, modification, or operation of any disposal system or part thereof or any extension or addition thereto;

(c) The increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit;

(d) The construction, installation, or operation of any industrial, commercial, or other establishment or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge or emission of wastes into the air, waters, or land of the state or would otherwise alter the physical, chemical, or biological properties of any air, waters, or land of the state in any manner not already lawfully authorized; or

(e) The construction or use of any new outlet for the discharge of any wastes into the air, waters, or land of the state.

The department, under such conditions as it may prescribe, shall for the review, recommendations, and written approval of the director require the submission of such plans, specifications, and other information as it deems necessary to carry out the Environmental Protection Act or to carry out the rules and regulations adopted pursuant to such act. When deemed necessary by the director, such plans and specifications shall be prepared and submitted by a professional engineer duly registered to practice in the State of Nebraska.

(3)(a) Except in the case of underground injection control or hazardous waste facilities, if within thirty days of the receipt of plans, specifications, or other information required pursuant to this section the department determines that the proposed construction, installation, or establishment will not be in accordance with the requirements of the Environmental Protection Act or applicable rules and regulations, it shall issue a preliminary order prohibiting the construction, installation, or establishment of the air, water, or land contaminant source or sources. Failure of such an order to issue within the time prescribed in this subsection shall be deemed a determination that the construction, installation, or establishment may proceed, if it is in accordance with the plans, specifications, or other information, if any, required to be submitted. The director shall determine whether an application for a permit to operate an underground injection control or hazardous waste facility is complete within thirty days after it is filed with the department and shall notify the applicant of his or her determination. Such application shall be determined to be complete if it at least minimally addresses all applicable requirements of the Environmental Protection Act and the applicable regulations. No later than one hundred twenty days after an application is determined to be complete, the director shall determine whether the application, as it may have been amended during such period, adequately addresses all such applicable requirements and either issue the permit or deny the application. Such one hundred twenty day period may be extended by not more than sixty additional days if the director finds for good cause that additional time is required to determine the adequacy of the application, and informs the applicant in writing of the amount of additional time required and the reasons establishing good cause for the extension.

(b) The council may adopt and promulgate rules and regulations setting out time periods for the processing of applications requesting permits for activities regulated pursuant to subsections (9), (13), and (14) of section 81-1505.

(4) In addition to any other remedies available on account of the issuance of a preliminary order disapproving construction, installation, or establishment and prior to invoking any such remedies, the person aggrieved thereby shall, upon request and in accordance with rules of practice and procedure of the department, be entitled to a hearing on the order. Following such hearing, the preliminary order may be affirmed, modified, or withdrawn by a final order of the director which order shall be subject to review as provided in section 81-1509.

(5) Nothing in this section shall be construed to authorize the department to specify the type, design, method of installation, or type of construction of any equipment of manufacturing processes.

(6) Failure by the department to issue an order pursuant to this section shall not relieve any person from compliance with any emission or discharge control requirements or with any other provision of law.".

14. On page 38, line 26, after "intent" insert "or knowing violation".

15. On page 43, line 14, reinstate the stricken matter; and strike the new matter in lines 15 through 21.

16. On page 44, line 19, strike "may" and insert "shall"; and strike beginning with the comma in line 22 through "only" in line 26.

17. On page 48, line 8, reinstate ", on or before" and after the reinstated "before" insert "January 1, 1985,"; in lines 10, 11, and 12 strike the new matter; and in line 16 strike "81-1505.01" and insert "81-1506".

(Signed) Rex Haberman, Chairperson

Miscellaneous Subjects

LEGISLATIVE BILL 744. Placed on General File.

(Signed) Elroy Hefner, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 930A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 930, Eighty-eighth Legislature, Second Session, 1984.

LEGISLATIVE BILL 982A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 982, Eighty-eighth Legislature, Second Session, 1984.

RESOLUTION

LEGISLATIVE RESOLUTION 270.

Introduced by DeCamp, 40th District.

WHEREAS, Lincoln was the site of the Nebraska state wrestling tournament featuring seven hundred sixty-eight wrestlers of proven ability from throughout the state; and

WHEREAS, the sport of wrestling fosters the goals of high school athletics; and

WHEREAS, the Albion Cardinals have demonstrated the competitive spirit of the class B division in wrestling through many fine individual performances; and

WHEREAS, the Albion Cardinals have emerged victorious in the fiercely contested class B division and deserve recognition for this outstanding accomplishment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and commends the Albion Cardinals for their accomplishments.
2. That a copy of this resolution be sent to the superintendent of the Albion schools, the coach of the Albion wrestling team, and the student government organization of Albion High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 824. Title read. Considered.

Standing Committee amendments, AM1817, found in the Journal on page 675 for the Eighteenth Day were adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 991. Title read. Considered.

Standing Committee amendments, AM1815, found in the Journal on page 675 for the Eighteenth Day were adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 991A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 1007. Title read. Considered.

Standing Committee amendments, AM1816, found in the Journal on page 675 for the Eighteenth Day were adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 672. Title read. Considered.

Standing Committee amendment, AM1826, found in the Journal on page 676 for the Eighteenth Day was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 726. Title read. Considered.

Mr. Harris asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendments, AM1777, found in the Journal on page 677 for the Eighteenth Day were considered.

Pending.

SELECT FILE

LEGISLATIVE BILL 772. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 772A. E & R amendments, AM5297, found in the Journal on page 1091 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 899. E & R amendments, AM5251, found in the Journal on page 905 for the Twenty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 969. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 773. E & R amendments, AM5253, found in the Journal on page 907 for the Twenty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 697. E & R amendments, AM5255, found in the Journal on page 928 for the Twenty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 811. E & R amendments, AM5256, found in the

Journal on page 928 for the Twenty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 729. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 818. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 853. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 897. E & R amendments, AM5258, found in the Journal on page 930 for the Twenty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 730. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 749. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 644. E & R amendment, AM5259, found in the Journal on page 931 for the Twenty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 683. E & R amendments, AM5260, found in the Journal on page 932 for the Twenty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 862. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 881. E & R amendment, AM5262, found in the Journal on page 932 for the Twenty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1119. E & R amendments, AM5263, found in the Journal on page 957 for the Twenty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 673. E & R amendment, AM5264, found in the Journal on page 957 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 995. E & R amendments, AM5266, found in the Journal on page 973 for the Twenty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 690. E & R amendment, AM5265, found in the Journal on page 984 for the Twenty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 750. E & R amendments, AM5271, found in the Journal on page 984 for the Twenty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

Mr. Vickers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 752. E & R amendments, AM5272, found in the Journal on page 985 for the Twenty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 653. E & R amendment, AM5273, found in the Journal on page 985 for the Twenty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 768. E & R amendment, AM5274, found in the Journal on page 985 for the Twenty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1000. E & R amendment, AM5276, found in the Journal on page 986 for the Twenty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 152. E & R amendments, AM5277, found in the Journal on page 996 for the Twenty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 372. E & R amendments, AM5283, printed separate from the Journal and referred to on page 1005 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 372A. E & R amendments, AM5282, found in the Journal on page 1005 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1056. E & R amendment, AM5278, found in the Journal on page 1006 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 967. E & R amendment, AM5280, found in the Journal on page 1007 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 919. E & R amendment, AM5281, found in the Journal on page 1007 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 923. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 934. E & R amendments, AM5289, found in the Journal on page 1060 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1032. E & R amendments, AM5290, found in the Journal on page 1060 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 833. E & R amendments, AM5293, found in the Journal on page 1077 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 833A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 657. E & R amendment, AM5287, found in the Journal on page 1078 for the Thirty-First Day was adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 1124. Placed on General File as amended.
Standing Committee amendments to LB 1124:
AM2080

1. Strike original sections 20 and 22 to 28.

2. On page 3, lines 15, 18, and 21; and page 8, line 22, strike "20" and insert "19".

3. On page 4, line 18; page 5, line 21; and page 6, lines 2, 3, and 4, strike "taxpayer", show as stricken, and insert "corporation".

4. On page 4, line 13, strike "taxpayers", show as stricken, and insert "corporations"; and in lines 22, 23, and 24, strike "taxpayer's", show as stricken, and insert "corporation's".

5. On page 7, line 5, after "Nebraska" insert "small business"; strike beginning with "a" in line 5 through "of" in line 8 and insert "with the return an amount equal to fifty per cent of the rate imposed on individuals under section 77-2715 multiplied by"; and in line 10 strike "sources within".

6. On page 10, line 2, after "by" insert "(a)"; in line 3 after "or" insert "(b)"; after line 3 insert "material (i)"; in line 4 strike the first "or" and insert ", (ii)", and strike "or when there is a" and insert ", or (iii)"; in line 7 strike "(a)" and insert "(A)"; and in line 12 strike "(b)" and insert "(B)".

7. On page 11, strike beginning with the period in line 5 through "into" in line 6 and insert "by"; strike beginning with the semicolon in line 7 through "Activities" in line 8 and insert "and shall include all activities"; in line 9 strike the semicolon and insert an underscored period; in line 11 strike "includes, but is not limited to," and insert "shall mean"; and strike beginning with the comma in line 12 through "persons" in line 13

8. On page 13, strike lines 10 through 15.

9. On page 15, line 18, strike the second "the" and insert "such"; in line 19 strike "extent of" and insert "total"; in line 20 strike the first "the" and insert "such"; and in line 23 after the first "income" insert "after payment of taxes".

10. On page 16, line 10, remove the paragraphing and strike "(a)"; and in line 13 strike "(b)" and insert "(5)".

11. On page 17, line 15, after "provide" insert "upon request of the Tax Commissioner".

12. On page 48, line 27, after “77-2701,” insert “and”, and strike “77-2770, 77-2772, 77-2773, 77-2786,”.

13. On page 49, line 1, strike “77-2790, and 77-27,119,”; in line 2, strike “sections” and insert “section”, and strike “and 77-2769”.

14. Renumber remaining sections accordingly.

(Signed) Calvin Carsten, Chairperson

Appropriations

LEGISLATIVE BILL 838. Placed on General File as amended.
Standing Committee amendments to LB 838:
AM2113

1. On page 2, strike beginning with “The” in line 10 through line 12 and show the old matter as stricken.

2. Strike original sections 2 and 3.

3. Insert the following new section:

“Section 1. That section 81-185, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-185. The Executive Board of the Legislative Council shall appoint a select committee of the Legislative Council to consist of ~~four~~ six members of the Legislature, to be known as the Committee on Building Maintenance, to exercise oversight of the deferred and preventive maintenance activities required in sections 81-173 to 81-190. The selection of members shall be made on the basis of maintenance interest and knowledge. At least ~~one member~~ two members shall be selected from the Committee on Appropriations, one of whom shall be the chairperson of the Committee on Appropriations. On or before the sixth day of each regular legislative session, the board shall appoint or reappoint members of the committee. Such committee may utilize Legislative Council staff as required or may contract for necessary expertise. Such staff shall provide close liaison with the task force, all agencies subject to sections 81-173 to 81-190, and the Governor.”.

4. On page 3, line 10, after “original” insert “section 81-185, Reissue Revised Statutes of Nebraska, 1943, and” and strike “, 81-189,”; and in line 11 strike “81-191,” and after the final comma insert

"and also sections 81-189 and 81-191, Revised Statutes Supplement, 1982,".

5. Renumber remaining sections accordingly.

(Signed) Lowell Johnson, Vice Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 271.

Introduced by Wesely, 26th District; H. Peterson, 35th District.

Whereas, the people of Nebraska, the United States, and the world are increasingly alarmed at the execution, persecution, and severe repression suffered by members of the Baha'i faith in Iran; and

Whereas, the Baha'i faith shuns violence, abstains from partisan politics, and espouses the elimination of prejudices based on race, creed, class, nationality, and sex; and

Whereas, the Baha'i faith claims 2 million members worldwide including 400,000 in Iran and 100,000 in the United States; and

Whereas, more than 150 Baha'is have been executed in Iran for the mere crime of adherence to a religion which respects all world religions, including Islam;

Now, therefore be it resolved by the members of the 88th Legislature of Nebraska, Second Session:

1. That the Nebraska Legislature condemns this gross violation of human rights by the Government of Iran; and
2. That the Nebraska Legislature urges the United States to continue to support the United Nations Commission on Human Rights in its efforts to bring a halt to the repression of the Baha'i minority in Iran; and
3. That a copy of this resolution be sent to each member of the Nebraska Congressional delegation, the President of the United States, and the Local Spiritual Assembly of the Baha'is in Lincoln.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 956 in the Journal. No objections. So ordered.

To amend LB 956, page 2, line 7 by striking "thirty" & inserting "forty".

Mr. Barrett asked unanimous consent to print the following

amendment to LB 801 in the Journal. No objections. So ordered.

AM2028
(Amendments to Committee Amendments)

1. On page 4, strike lines 12 through 20.

Mr. Wesely asked unanimous consent to print the following amendment to LB 862 in the Journal. No objections. So ordered.

AM2019

1. Insert the following section:

“Sec. 2. That section 77-2608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2608. The Tax Commissioner shall prepare and have suitable stamps for use on each kind of piece or package of cigarettes, except where cigarette tax meter impressions are affixed. Requisition for the preparation of such stamps shall be made through the office of the State Purchasing Agent as other state supplies are requisitioned~~,~~ and the Tax Commissioner and the person who issues his or her bond ~~his bondsman~~ shall be liable for the value of all such stamps delivered to him or her. The Auditor of Public Accounts shall audit annually or as often as the auditor deems advisable the records of the Tax Commissioner with respect to the money received from the sale of stamps and as revenue from tax meter impressions for the purpose of determining the accuracy and correctness of the same. The Tax Commissioner shall sell the stamps only to licensed wholesale dealers~~, as defined in section 77- 2601,~~ and ~~he~~ shall keep an accurate record of all stamps coming into and leaving his or her hands. Such stamps shall be sold and accounted for at the face value thereof, except that the Tax Commissioner may, by regulation certified to the State Treasurer, authorize the sale thereof to wholesale dealers in this state or outside of this state at a discount of ~~five~~ three per cent of such face value of the tax as a commission for affixing and canceling such stamps. Any ; ~~Provided, that any~~ wholesale dealer using a tax meter machine shall be entitled to the same discount as allowed a wholesale dealer for affixing and canceling the stamps. The money received by the Tax Commissioner from the sale of ~~said~~ stamps and as revenue from such tax meter impressions shall be deposited ~~by him~~ daily with the

State Treasurer, who shall credit such money as provided in section 77-2602. Upon proof by the Tax Commissioner that he or she can affix such stamps or meter impression, warehouse, and distribute such cigarettes and collect such revenue at a cost less than the ~~five~~ three per cent discount allowed to wholesale dealers, he or she may then proceed to affix the stamps himself or herself, after giving the wholesale dealers sixty days' notice and purchasing all equipment used by them for the purpose of affixing such stamps or meter impressions at a fair market value.".

2. On page 4, line 20 after "section" insert "77-2608, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 21 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 736 in the Journal. No objections. So ordered.

AM2110

1. On page 1, line 5, after the second semicolon insert "to change provisions relating to agreement requirements;"; and in line 8 after the first semicolon insert "to change provisions relating to rates;".

2. Strike the Landis-Lamb amendment on page 701 of the Journal.

3. On page 2, line 6, after "corporation" insert ", except a bank,".

4. On page 3, line 4, strike the new matter; and in line 5 after the period insert "Such requirements may be met when disclosure of the revolving charge credit terms has been made to the buyer in conformity with the requirements of the Federal Consumer Credit Protection Act before the first extension of credit to the buyer under the revolving charge agreement, and the buyer has signed an application for the revolving charge credit or the buyer signs a sales slip in connection with such extension of credit if the application has been solicited by telephone with disclosure of the periodic rate of the time price differential by the seller at the time of the telephone solicitation.".

5. On page 4, line 13, after "the" insert "applicable"; strike beginning with "Truth" in line 14

through "Lending" in line 15 and insert "Consumer Credit Protection"; and in lines 22 through 26 strike the new matter and reinstate the stricken matter.

6. In the Standing Committee amendments page 1, line 11, before "except" insert an underscored comma; and in line 14 strike the underscored period.

7. In the Enrollment and Review amendments:

a. Strike amendments 4 and 6; and

b. On page 1, strike beginning with "line" in line 1 through the semicolon in line 3; and strike beginning with "amendments" in line 17 through "4" in line 18 and insert "amendment 3".

8. Renumber remaining sections accordingly.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM2107

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-3430, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3430. Sections 77-3412 to 77- 3436 ~~77- 3431~~ shall terminate on December 31, ~~1984~~ 1985, unless reenacted or reestablished by the Legislature.

Sec. 2. That original section 77-3430, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM2108

1. On page 5, lines 10 and 17, strike "three" and insert "one" and strike "years" and insert "year"; and in lines 12 and 19 strike "1988" and insert "1985".

2. On page 7, line 20, strike "three" and insert "one" and strike "years" and insert "year"; and in line 21 strike "1988" and insert "1985".

3. On page 10, line 8, strike "three" and insert "one"; in line 9 strike "years" and insert "year"; and in line 10 strike "1988" and insert "1985".

UNANIMOUS CONSENT - Member Excused

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 791. E & R amendments, AM5286, found in the Journal on page 1063 for the Thirty-First Day were adopted.

Mr. Hefner offered the following amendment:
(Amendment on file in the Clerk's Office - Room 1102 - AM1927.)

Mr. Newell requested a ruling of the Chair on whether the Hefner amendment is germane to the bill.

The Chair ruled the Hefner amendment is germane to the bill.

Mr. Hefner moved for a Call of the House. The motion prevailed with 5 ayes, 2 nays, and 42 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beyer
Chronister
Eret
Fenger
Goodrich
Haberman
Hefner
Jacobson
Johnson, L.
Kilgarin
Lundy
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rupp
Von Minden
Wagner
Warner

Voting in the negative, 9:

Beutler
Johnson, V.
Kahle
Landis
McDonald
Newell
Sieck
Wesely
Withem

Present and not voting, 5:

Hannibal
Hoagland
Morehead
Pappas
Scofield

Absent and not voting, 2:

Goll
Lamb

Excused and not voting, 13:

Abboud
Barrett
Carsten
Chambers
Clark
DeCamp
Harris
Higgins
Johnson, R.
Labedz
Remmers
Schmit
Vickers

The Hefner amendment lost with 20 ayes, 9 nays, 5 present and not voting, 2 absent and not voting, and 13 excused and not voting.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 698. Indefinitely postponed.
LEGISLATIVE BILL 844. Indefinitely postponed.
LEGISLATIVE BILL 938. Indefinitely postponed.
LEGISLATIVE BILL 952. Indefinitely postponed.
LEGISLATIVE BILL 1009. Indefinitely postponed.
LEGISLATIVE BILL 1035. Indefinitely postponed.
LEGISLATIVE BILL 1036. Indefinitely postponed.
LEGISLATIVE BILL 1088. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

VISITORS

Visitors to the Chamber were Mr. & Mrs. E. C. Bradney from Gering; thirty-four students and principal from Sword of the Spirit Christian School, LaVista; Mr. Curt Ray from Tekamah; twelve students and teacher from Wesleyan and Union College, Lincoln; and four exchange students from Kearney.

ADJOURNMENT

At 12:14 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Monday, February 27, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 27, 1984

LEGISLATIVE JOURNAL

THIRTY-FOURTH DAY - FEBRUARY 27, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 24, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Chambers, Goodrich, Hannibal, Harris, V. Johnson, Newell, Rupp, Warner, Wesely, Mrs. Pirsch, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1107, lines 10 and 25, correct spelling of "Commission".
Page 1108, lines 9 and 25, correct spelling of "Commission".
The Journal for the Thirty-Third Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 591, 723, 772, 772A, and 782.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 591

The following changes, required to be reported for publication in the

Journal, have been made:
ER0168

1. On page 1, the matter beginning with "for" in line 2 through "detainers" in line 3 has been struck and "powers and duties relating to the final disposition of an untried indictment, information, or complaint as prescribed" has been inserted.
2. On page 2, line 11, and page 4, lines 7, 17, 19, and 26, the comma has been struck.

Enrollment and Review Change to LB 723

The following changes, required to be reported for publication in the Journal, have been made:
ER0170

1. On page 1, line 2, "of support" has been struck.
2. On page 2, line 21, "specified in section 1 of this act" has been inserted after "recipient".
3. In the Fenger amendment, AM1859, adopted February 22, 1984, on page 1, line 5, the comma has been struck; in line 11 "bee" has been struck and "been" inserted; and in line 21 "he or she" has been struck and "the applicant or recipient" has been inserted.

Enrollment and Review Change to LB 772A

The following changes, required to be reported for publication in the Journal, have been made:
ER0171

1. On page 20, line 2, "(3)" has been struck and "(2)" inserted.

Enrollment and Review Change to LB 782

The following changes, required to be reported for publication in the Journal, have been made:
ER0169

1. The Newell and Beutler amendment adopted February 22, 1984, was to the Standing Committee amendments. Underscoring has been inserted as appropriate.
2. In the E & R amendment, on page 1, line 2, "compensation for" has been inserted before "certain"; and in line 3 "for" has been inserted after the first "and".
3. In the Standing Committee amendment, on page 1, line 7, the underscored comma has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

Enrollment and Review

LEGISLATIVE BILL 466A. Placed on Select File as amended.
E & R amendment to LB 466A:
AM5301

1. On page 1, line 3, strike "First" and insert "Second" and strike "1983" and insert "1984".

LEGISLATIVE BILL 835A. Placed on Select File.
LEGISLATIVE BILL 14A. Placed on Select File.
LEGISLATIVE BILL 976A. Placed on Select File.
LEGISLATIVE BILL 990A. Placed on Select File.
LEGISLATIVE BILL 1056A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 264 and LR 268.

RESOLUTIONS

LEGISLATIVE RESOLUTION 269. Read. Considered.

LR 269 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 270. Read. Considered.

LR 270 was adopted with 27 ayes, 0 nays, and 22 not voting.

MOTION - Approve Appointments

Mr. DeCamp moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 894: Bob Krohn - Advisory Committee to the Department of Economic Development.

Voting in the affirmative, 26:

Barrett	Beyer	Carsten	Chronister	Clark
DeCamp	Eret	Fenger	Goll	Haberman
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Landis	Lundy	McDonald	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Von Minden

Wagner

Voting in the negative, 0.

Present and not voting, 10:

Kahle Labedz Lamb Marsh Morehead
Schmit Scofield Sieck Vickers Withem

Excused and not voting, 13:

Abboud Beutler Chambers Goodrich Hannibal
Harris Johnson, V. Kilgarin Newell Pirsch
Rupp Warner Wesely

The appointment was confirmed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. DeCamp moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointments found in the Journal on page 894: Roger Beverage - Director, Department of Banking and Finance; Maxine Moul - Advisory Committee to Department of Economic Development; Tom Emerton - Advisory Committee to Department of Economic Development; James Stuart, Jr. - Advisory Committee to Department of Economic Development; Lynn Roper - Advisory Committee to Department of Economic Development; Burnham Yates - Nebraska Investment Council.

Voting in the affirmative, 28:

Barrett Beyer Carsten Clark DeCamp
Eret Goll Hefner Higgins Hoagland
Jacobson Johnson, L. Kahle Lamb Landis
Lundy McDonald Morehead Nichol Pappas
Peterson, H. Peterson, R. Remmers Rupp Schmit
Scofield Von Minden Wagner

Voting in the negative, 0.

Present and not voting, 10:

Chronister Fenger Goodrich Haberman Johnson, R.
Labedz Marsh Sieck Vickers Withem

Excused and not voting, 11:

Abboud Beutler Chambers Hannibal Harris
Johnson, V. Kilgarin Newell Pirsch Warner
Wesely

The appointments were confirmed with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 694. Title read. Considered.

Standing Committee amendment, AM1683, found in the Journal on page 613 for the Sixteenth Day was considered.

Mr. Hoagland offered the following amendment to the Standing Committee amendment:

Amend Committee Amendments to 694 so that it applies only to persons over age 65 at the time they are to take the test.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 0 nays, and 28 not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Hoagland requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Eret Hefner Hoagland Johnson, R. Lamb
Landis Marsh McDonald Morehead Nichol
Pirsch Scofield Vickers Von Minden Warner
Wesely Withem

Voting in the negative, 26:

Barrett Beyer Carsten Chronister Clark
DeCamp Goll Goodrich Haberman Hannibal
Harris Higgins Jacobson Johnson, L. Kahle
Labedz Lundy Newell Pappas Peterson, H.
Peterson, R. Remmers Rupp Schmit Sieck
Wagner

Present and not voting, 2:

Beutler Fenger

Excused and not voting, 4:

Abboud Chambers Johnson, V. Kilgarin

The Hoagland amendment to the Standing Committee amendment lost with 17 ayes, 26 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

The Standing Committee amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mrs. Labedz renewed her pending amendment, AM1934, found in the Journal on page 873.

The Labedz amendment was adopted with 27 ayes, 6 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Beyer moved to indefinitely postpone LB 694.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beyer moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Beyer requested a roll call vote on his motion.

Voting in the affirmative, 19:

Barrett Beutler Beyer Fenger Goll
Hannibal Hoagland Johnson, R. Kahle Landis
Lundy Marsh Morehead Peterson, R. Pirsch
Scofield Sieck Warner Wesely

Voting in the negative, 28:

Abboud Carsten Chronister Clark DeCamp
Eret Goodrich Haberman Harris Hefner
Higgins Jacobson Johnson, L. Kilgarin Labedz
Lamb McDonald Newell Nichol Pappas
Peterson, H. Remmers Rupp Schmit Vickers
Von Minden Wagner Withem

Excused and not voting, 2:

Chambers Johnson, V.

The Beyer motion to indefinitely postpone lost with 19 ayes, 28 nays, and 2 excused and not voting.

The Chair declared the Call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 979. Placed on Select File as amended.
E & R amendment to LB 979:
AM5302

1. On page 3, line 5, after “state” insert a semicolon.

LEGISLATIVE BILL 1045. Placed on Select File.
LEGISLATIVE BILL 1059. Placed on Select File.

LEGISLATIVE BILL 1064. Placed on Select File as amended.
E & R amendment to LB 1064:
AM5303

1. On page 2, line 16, strike the comma.

LEGISLATIVE BILL 968. Placed on Select File as amended.
E & R amendments to LB 968:
AM5304

1. On page 2, lines 5 and 8, strike the first “or” and show as stricken; in line 6 strike both occurrences of “or” and show as stricken; in line 11 strike the comma and show as stricken; in line 14 strike the second comma and show as stricken and after “and” insert an underscored comma; in line 15 after the underscored comma insert “be charged”; and in lines 23 through 27 strike the commas and show as stricken.
2. On page 3, line 5, strike “or” and show as stricken; in line 14 strike both commas and show as stricken; and in line 25 strike the comma and show as stricken.

(Signed) Rod Johnson, Chairperson

MOTION - Withdraw LB 887

Mr. DeCamp moved to withdraw LB 887.

Laid over.

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

The Committee on Constitutional Revision and Recreation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Stan Juelfs - Game and Parks Commission

Voting aye: Senators Labedz, Jacobson, Rupp and Wesely. Voting nay: None. Absent and not voting: Senators Abboud, Carsten and Sieck.

(Signed) Bernice Labedz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 694. Considered

Mrs. Labedz moved for a Call of the House. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Advanced to E & R for Review with 25 ayes, 15 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 694A. Title read. Considered.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for Review with 27 ayes, 12 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 426. Considered.

Messrs. Kahle, Pappas, and R. Johnson moved to indefinitely postpone LB 426.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Pappas moved for a Call of the House. The motion prevailed with 4 ayes, 3 nays, and 42 not voting.

Mr. Beutler requested a record vote of the Kahle-Pappas-R. Johnson motion.

Voting in the affirmative, 28:

Abboud
Barrett
Beyer
Carsten
Chronister
Clark
DeCamp
Fenger
Goll
Haberman
Hannibal
Harris
Hefner
Higgins
Jacobson
Johnson, L.
Johnson, R.
Kahle
Labedz
Lamb
Lundy
Nichol
Pappas
Peterson, H.
Remmers
Sieck
Von Minden
Wagner

Voting in the negative, 16:

Beutler
Eret
Hoagland
Kilgarin
Landis
McDonald
Morehead
Newell
Peterson, R.
Pirsch
Rupp
Scofield
Vickers
Warner
Wesely
Withem

Present and not voting, 4:

Chambers
Goodrich
Marsh
Schmit

Present and not voting, 1:

Johnson, V.

The Kahle-Pappas-R. Johnson motion prevailed with 28 ayes, 16 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mrs. Labedz and Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

February 27, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Highway Commission requiring legislative confirmation:

James Keenan, 2010 West Rodeo Road, North Platte, NE 69101 - (308) 532-4833 - Term: 2/27/84 to 9/14/89. Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 27, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Highway Commission requiring legislative confirmation:

Paul Landow, 21045 Timber Lane, Elkhorn, NE 68022 - (402) 289-3553 (h) (402) 493-2200 (o) Term: 2/27/84 to 9/14/89. Succeeds: Roy Smith, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 27, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Highway Commission requiring legislative confirmation:

George A. Miles, P.O. Box 360, O'Neill, NE 68763 - (402) 336-1220.
Term: 2/27/84 to 9/14/89 - Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

Page 2, line 22: Strike language after "and" and in line 22 through line 1 page 3. Insert: "demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3) of section 60-408. In lieu of compliance with subdivision (3) of section 60-408, and if such person's motor vehicle operator's license has not expired, such person may participate in and complete a defensive driving course approved by the Department of Motor Vehicles. Proof of completion shall be presented to the examiner at time of license renewal."

Mr. DeCamp asked unanimous consent to print the following amendment to LB 915 in the Journal. No objections. So ordered.

AM1906

1. Strike the original sections and insert new sections as follows:

"Section 1. It is hereby declared to be the policy of the State of Nebraska that it is necessary to regulate and control the transportation of wagers to licensed betting facilities within the state, to promote the health, safety, and welfare of the people of the state, to prohibit the proliferation of unauthorized bookmaking and gambling activities, to generate revenue by imposing licensing fees on messenger services, and to encourage and foster obedience for the gambling laws of the state.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Messenger service shall mean a person, firm, or corporation which (a) receives money from a client, transports or forwards the money to a licensed race track, and places the money into the race track's parimutuel pool in a manner directed by the client or (b) receives money from a client and transports or forwards the money to a person legally capable of placing the money into a wagering system in a manner directed by the client;

(2) Commission shall mean the State Racing Commission; and

(3) License shall mean a messenger service license.

Sec. 3. All messenger services shall be licensed by the State Racing Commission. An applicant for a license shall disclose to the commission on forms provided by the commission, in writing, the ownership, business structure, financial backing, sources of funding, and proposed office location of the messenger service. Except as otherwise provided in this section, within ninety days after receiving an application and before issuance of a license the commission shall hold a public hearing to take testimony on the applicant's qualifications for licensure. Notice of the hearing shall be sent by mail to all licensed messenger services in the state. A majority vote of the members of the commission shall be required to approve a license for a messenger service, and such license shall be valid for one year unless revoked for good cause as provided under section 12 of this act. Any person operating a messenger service prior to the effective date of this act may apply for a license pursuant to this section and shall be issued a license without the commission conducting a public hearing.

Sec. 4. An applicant for a license shall deposit one thousand dollars with the commission. If the license is granted, the commission shall retain the entire deposit which shall be considered a licensing fee. If the license is not granted, the commission shall retain an amount equal to the cost of any investigation and shall return the remaining amount to the applicant.

Sec. 5. Each messenger service shall register the names of its agents and employees with the commission. The messenger service and its agents and employees shall give bond not exceeding ten thousand dollars pursuant to the bonding procedures in section 2-1206.

Sec. 6. A messenger service may apply for a license for additional office locations which may be approved at the discretion of the commission. A messenger service shall pay an initial fee of five hundred dollars for each new location granted by the commission. No messenger service office shall be located within one mile of any other messenger service office.

Sec. 7. Each messenger service shall pay an annual renewal fee of five hundred dollars for its license and two hundred fifty dollars for renewal of the license for each additional location granted by the commission. Renewal of a license shall be automatic upon payment of the annual renewal fee. All licenses shall expire on December 31 and renewal fees for the following year shall be paid on or before December 31. No renewal fee shall be due from a messenger service during the year following a year in which an additional location license was granted and the five hundred dollar fee was paid.

Sec. 8. The license fees collected pursuant to this act shall be used by the commission to enforce this act with the balance, if any, used pursuant to Chapter 2, article 12.

Sec. 9. Each messenger service office shall be required to maintain the following records: (1) A copy of all client orders, consecutively numbered; (2) a copy of all client orders surrendered by the client when payment is made to him or her on winning selections; (3) all losing tickets; (4) recapitulation of ticket purchases for each race showing the amounts paid for tickets on each entry for each of the three winning finishing positions; (5) a summary of winning tickets for each race; and (6) a daily record of money due clients. Such records shall be made available for audit and inspection by the commission. A periodic report shall be submitted at least monthly to the commission during the racing season and for four months after the season, containing information showing the total number of serialized orders, total dollar cost of all orders, total dollar cost of all winning orders, and total dollar cost of losing orders, by track and by date.

Sec. 10. The commission shall regulate rates which the race track messenger service charges so that the rates reflect the race track messenger service's costs of doing business plus a fair and reasonable profit. In no case shall this rate be less than ten per cent of the gross sum wagered for clients.

Sec. 11. The commission shall adopt and promulgate rules and regulations to promote the efficient and consistent operation of the messenger services.

Sec. 12. The commission may revoke a messenger service's license for good cause. Good cause shall be found if: (1) Any business other than the licensed activity is conducted on the messenger service's premises; (2) a minor is permitted to utilize the messenger service; (3) the messenger service violates Nebraska's statutory proscriptions against gambling; or (4) the messenger service otherwise fails to comply with the standards established by this act.

Sec. 13. This act shall be liberally construed and applied to the end that the health, safety, and welfare of the people of the State of Nebraska shall be protected, to promote its underlying purpose and policies of modernizing the laws governing the right of the public to place wagers, and to permit the continuation of messenger services for the convenience of the public to place wagers.

Sec. 14. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 15. That section 2-1221, Revised Statutes Supplement, 1982, is repealed.".

Mr. Lamb asked unanimous consent to print the following amendment to LB 916 in the Journal. No objections. So ordered.

AM2111

1. Insert the following new sections:

"Sec. 63. That section 71-4624, Revised Statutes Supplement, 1983, be amended to read as follows:

71-4624. (1) The application for the first or initial annual license shall be submitted with the requirements mentioned in section 71-4623, accompanied by the following fees for the following categories of mobile home parks: (a) Those having facilities for less than four mobile homes, twenty dollars; (b) those having facilities for four to ~~ten~~ fifteen mobile homes, ~~fifty~~ thirty dollars; (c) those having facilities for ~~eleven~~ sixteen to ~~twenty~~ twenty-five mobile homes, ~~seventy-five~~ fifty dollars; ~~and (d)~~ (d) those having facilities for twenty-six to fifty mobile homes, seventy-five dollars; (e) those having facilities for fifty-one to one hundred mobile homes, one hundred dollars; and (f) those having facilities for more than ~~twenty~~ one hundred mobile homes, one hundred twenty-five dollars. Such license fees shall be paid for each of the categories as a condition of annual renewal of licensure.

(2) All license fees collected by the department shall be paid into the state treasury and shall be credited by the State Treasurer to the Mobile Home Park Fund, which fund is hereby created. Such fund shall be used by the department for the purpose of administering the provisions of sections 71-4621 to 71-4634.

(3) When any application is received, the department shall cause the mobile home park and appurtenances thereto to be inspected by representatives of the department. When such inspection has been made and the department finds that all of the provisions of sections 71-4621 to 71-4634 and the rules, regulations, and standards of the department have been met by the applicant, the department shall issue an annual license. Inspection by the department or its authorized representatives at any time of a mobile home park is a condition of continued licensure.

Sec. 64. That original section 71-4624, Revised Statutes Supplement, 1983, is repealed.".

2. On page 2, line 1, strike "This" and insert "Sections 1 to 62 of this".

3. Underscore sections 1 to 62.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 886. Placed on General File as amended.
Standing Committee amendments to LB 886:
AM2104

1. On page 2, reinstate the stricken matter in lines 21 and 22; and in line 22 strike "county".

2. On page 3, reinstate the stricken matter in lines 1 and 2; strike the new matter in lines 2 and 3; in line 4 after "furnished" insert ", pursuant to section 68-104,", and reinstate "counties"; and in line 5 strike the new matter.

LEGISLATIVE BILL 913. Placed on General File as amended.
Standing Committee amendments to LB 913:
AM2105

1. On page 2, line 22, strike "benefitting" and insert "benefiting".

2. On page 4, line 5, strike "ninety-two" and insert "ninety".

(Signed) George Fenger, Chairperson

Miscellaneous Subjects

LEGISLATIVE BILL 863. Placed on General File.

(Signed) Elroy Hefner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 776. Title read. Considered.

Standing Committee amendments, AM1791, found in the Journal on page 682 for the Eighteenth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Pappas asked unanimous consent to withdraw his pending amendment found in the Journal on page 856. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 993. Title read. Considered.

MRS. MARSH PRESIDING

Messrs. Fenger, Barrett, and R. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Advanced to E & R for Review with 27 ayes, 4 nays, 12 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 561. Placed on General File as amended.
Standing Committee amendment to LB 561:
AM2106

1. Strike the original sections and insert the following new sections:

"Section 1. That section 71-1,133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,133. For the purpose of this act, the practice of optometry is defined as being one or a combination of the following, without the use of surgery:

(1) The examination of the human eye ~~and vision system including measurement of the power of vision by the employment of procedures, instruments, devices, and pharmaceutical agents topically applied, for the purpose of examining, detecting, or diagnosing visual defects or abnormal conditions~~ to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye or lid;

(2) The ~~treatment of the human eye and vision system by prescribing or adapting of spectacle lenses, contact lenses, or other ophthalmic devices, or vision training, except the use of pharmaceutical agents, topically applied shall be for diagnostic purposes only~~ employment of instruments, devices, topical ocular pharmaceutical agents, and procedures, other than surgery, intended for the purpose of investigating, examining, diagnosing, or correcting visual defects or abnormal conditions of the human eye or lid; or

(3) The ~~acts of any person professing to be an~~

~~optometrist and assuming the duties incident to that profession~~ prescribing and application of lenses, devices containing lenses, prisms, contact lenses, opthalmic devices excluding laser surgery, orthoptics, vision training, topical ocular pharmaceutical agents which treat eye infection, inflammation, and superficial abrasions, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye or lid.

Sec. 2. That section 71-1,135.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135.02. (1) No optometrist presently licensed in this state shall use topical ocular pharmaceutical agents in the practice of optometry unless such person submits to the Board of Examiners in Optometry evidence of satisfactory completion of all educational requirements as adopted by the department upon the recommendation of the Board of Examiners in Optometry at a school or college which is one approved by the department pursuant to section 4 of this act, and has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents. ~~for diagnostic purposes.~~

(2) On or before July 1, 1985, and each year thereafter, optometrists certified to use topical ocular pharmaceutical agents shall provide an annual summary report to the secretary of the Board of Examiners in Optometry. Such report shall identify the frequency of use of such agents, the diagnoses related to such use, and the resulting effects, including any problem or adverse reaction from such agents. Such report shall be made on a form prescribed by the department upon the recommendation of the Board of Examiners in Optometry.

(3) On or before August 1, 1985, and each year thereafter, the Board of Examiners in Optometry shall report to the Legislature on the use of topical ocular pharmaceutical agents by optometrists certified to use such agents. The report shall identify the frequency of use of such agents, the diagnosis related to such use, the health benefits and problems involved in the use of such agents, and any physical reaction to such agents and the severity of the reaction.

Sec. 3. That section 71-1,135.04, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135.04. In issuing a license of renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use topical ocular pharmaceutical agents pursuant to sections 71- 1,133, 71- 1,135.02, and 71- 135.03. ~~for diagnostic purposes.~~

Sec. 4. The Department of Health, on or before December 31, 1985, shall inspect each of the accredited schools or colleges of optometry. The department shall determine if a school or college offers sufficient instruction, including supervised medical training, in medical science, anatomy, physiology, biochemistry, pharmacology, pathology, neurology, therapeutics including clinical treatment of eye diseases, and toxicology to prepare a graduate of such school or college to use topical ocular pharmaceutical agents. If, after inspection, it is found that the school or college provides sufficient instruction, it shall be entitled to the recommendation of the Board of Examiners of Optometry and the approval of the department. The department may from time to time after December 31, 1985, make such further inspections of such schools or colleges as it deems proper. Any such school or college which refuses to permit any inspection as provided in this section shall be denied recommendation and approval.

Sec. 5. The inspections provided for in section 4 of this act shall be made by a team appointed by the Director of Health and shall be composed of members of the Board of Examiners of Medicine and Surgery and the Board of Examiners of Optometry or their representatives. All team members shall be residents of Nebraska. At least one of the members shall be a practicing optometrist and one shall be a practicing opthamologist.

Sec. 6. Sections 71- 1,133 to 71- 1,135 and 71- 1,135.02 to 71- 1,136.08 shall terminate on August 1, 1989, and each section shall be repealed in its entirety unless reenacted or reestablished by the Legislature.

Sec. 7. That original sections 71-1,133, 71-1,135.02, and 71-1,135.04, Reissue Revised Statutes of Nebraska, 1943, and also section 71-1,135.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) George Fenger, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 645A. By Harris, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 645, Eighty-eighth Legislature, Second Session, 1984.

LEGISLATIVE BILL 981A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 981, Eighty-eighth Legislature, Second Session, 1984.

LEGISLATIVE BILL 1065A. By R. Johnson, 34th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1065, Eighty-eighth Legislature, Second Session, 1984.

UNANIMOUS CONSENT - Print in Journal

Mr. Eret asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2132
(Amendments to Standing Committee amendments, AM2088)

1. On page 32, line 8, strike "or"; and in line 9 after "unit" insert ", or any elementary or secondary school operated by a state agency".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 744. No objections. So ordered.

VISITORS

Visitors to the Chamber were Lance Hall, Marcia Bingham, and Jerry Shedllosky from Lincoln; Fran Martin and George Nunns from Beatrice; former Senator Rudy Kokes from Ord; Lenone Anderson from Dix; Barb Pickering and Peggy Zanuski from Bellevue; Doris

Thompson from Minden; Dennis and Karen Svoboda and daughter, Sara Ann from Lincoln; fifty 3rd and 4th graders from Holmes School in Lincoln; Fred Mack from Dawson; Melvin L. Howell and Thomas A. Mischke from Bloomfield; James B. Ankeny from Hartington; Barbara Zulauf, Bill Futcher, Marvin Zulauf, and Monica Zulauf from Sutherland; Larry Larreau from Stratton; Mrs. Catherine McMurtrey from Oakland; Sue Clifford, Gayla Nelsen, Barbara Johnson Frank, and Barbara Shaeffer from Lincoln; Wanda Glashoff, Robert Icenogle, and Gary Boe; Rick Geier and Joanne Thietje from Fremont; and Linda Myers from North Bend.

ADJOURNMENT

At 12:10 p.m., on a motion by Mr. Chronister, the Legislature adjourned until 9:00 a.m., Tuesday, February 28, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - FEBRUARY 28, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 28, 1984

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Reverend Andercon Kwankin, United Methodist Church of Allen, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wesely who was excused; and Messrs. Abboud, Beutler, Haberman, Hannibal, Harris, V. Johnson, Lamb, Newell, Schmit, Wagner, Mesdames Higgins, Morehead, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 405 and 746.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 405

The following changes, required to be reported for publication in the Journal, have been made:
ER0172

1. In the Landis amendment, AM2096, adopted February 23, 1984, on page 1, line 1, the second "1" has been struck and "2" inserted.

Enrollment and Review Change to LB 746
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0173
1. On page 9, line 2, "an" has been inserted before "educational".

(Signed) Mary Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINIONS

Opinion No. 195
February 24, 1984

Dear Senator Barrett:

We have reviewed your January 25, 1984 letter in which you inquire (1) whether the Nettersheim claim as set out in LB 1014 is properly before the Legislature and (2) whether the claim must have been filed prior to the convening of the 1984 session for consideration at that session.

With respect to your first question, it first appears the claim was filed with the State Claims Board on June 11, 1981, and the Board on June 17, 1982 recommended allowance of the claim. The 1983 Legislature considered LB 621 and determined not to pay the Nettersheim claim. It appears that this all occurred in conformity with the "miscellaneous claim" procedure in Neb.Rev.Stat. §§81-8,236 et seq., and that the Legislature's action deleting the Nettersheim claim from LB 621 was the final action in the process. No further claim has been filed.

Article I, Section 16, of the Nebraska Constitution provides: "No. . . law. . . making any irrevocable grant of special privileges. . . shall be passed."

Article III, Section 18, further provides: "The Legislature shall not pass. . . special laws. . . [g]ranting to any. . . individual any special or exclusive privileges. . . whatever. . . In all. . . cases where a general law can be made applicable, no special law shall be enacted."

The Legislature has provided a general law for claimants such as Nettersheim in enacting Neb.Rev.Stat. §§81-8,236 to 81,82,239. Consequently, the enactment of a special law would be unconstitutional where it benefits certain individuals who have not filed a claim with the State Claims Board under the above general law. We find no Supreme

Court decisions directly on point but suggest that Cox v. State, 134 Neb. 751, 279 N.W. 482, and Bordy v. State, 142 Neb. 714, 7 N.W.2d 632, are supportive.

It further appears that the statutes do not prohibit the claimants from filing a new claim with the State Claims Board after which the matter would again be referred to the next session of the Legislature for review. However, since no claim has been filed yet, it probably could not be considered at the current session. Neb.Rev.Stat. §81-8,239 requires review by the "next Legislature convening after the filing of the claim." The claim if so filed would also be subject to all other defenses, including the defense of the appropriate statute of limitations.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John R. Thompson
Deputy Attorney General

JRT:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 196
February 24, 1984

Dear Senator Beutler:

You have requested our opinion concerning whether the present provisions of LB 803, allowing a county jury commissioner the option of expanding the list of prospective jurors described by Neb.Rev.Stat. §25-1628 (Reissue 1979) to include "all licensed motor vehicle operators in the county", would deny a defendant equal protection of the law in violation of the Fourteenth Amendment. In our opinion the present language of LB 803 and the procedures it would establish, could be found to violate the concept of equal protection of the law, solely due to its present failure to articulate a reasonable basis for allowing the composition of prospective juror lists to differ solely based upon the discretion of the local jury commissioner.

In reaching this conclusion, we have employed the following analysis. First, neither the present system of creating prospective juror lists under §26-1628 nor that system proposed by Section 2 of LB 803, appear constitutionally infirm. Thus, regardless which of these two prospective juror selection systems were employed, the criminal defendant would be afforded a constitutionally satisfactory pool of jurors from which a jury could be chosen. The fact that the system proposed by Section 2 of LB 803 might be deemed to provide a prospective juror list "more representative of the community" does not, in our opinion, in any respect diminish the fact that the prospective juror lists presently created are adequately representative. The question then resolves itself to a matter of whether the Legislature may create a system which would allow two distinct and constitutionally adequate systems for creating prospective juror lists to exist within the state on a county-by-county basis without violating the Fourteenth Amendment guarantee of equal protection of the law.

It has long been recognized that state legislatures may provide for distinct legal systems within their boundaries without abridging concepts of equal protection of law. Missouri v. Lewis, 101 U.S. 22 (1879), Hayes v. Missouri, 120 U.S. 68 (1887), Fay v. New York, 332 U.S. 261 (1947), Salsbury v. Maryland, 346 U.S. 545 (1954), McGowan v. Maryland, 366 U.S. 420 (1961), North v. Russell, 427 U.S. 328 (1976). "Legislation is presumed to be reasonable. The courts will not set aside a statutory discrimination on the basis of equal protection of the laws if any state of facts may be conceived to justify it." Salsbury v. Maryland, supra. (Emphasis added.) "[T]his court has never questioned the State's power to draw reasonable distinctions between political subdivisions within its borders." San Antonio Independent School District v. Rodriguez, 411 U.S. 1, 28 fn. 66 (1973). (Emphasis added.)

Distinctions in criminal procedures based upon geographical, political or demographic factors within a state have been upheld. E.g., McGowan v. Maryland, supra, (exemption from Sunday closing statutes for businesses in a recreational area); Missouri v. Lewis, supra, (denial of appeal to state supreme court from certain populous counties where intermediate appellate court established); Tarter v. James, 667 F.2d 964 (11th Cir. 1982) (reduction of criminal defendant's preemptory challenges in populous county). In Tarter v. James, Id. at 969, the court stated:

> The court concludes that the Alabama . . .statute impermissibly infringes on the plaintiff's constitutional rights only if the population classification lacks any rational basis. [citations omitted] In applying the rational relation test, the state statute must be upheld 'unless the [population] classification is purely arbitrary, oppressive or capricious.' Packard v. Banton, 264 U.S. 140 (1924).

In the case of LB 803, we perceive no statement of record indicating why prospective juror lists may be created by distinct processes simply at the discretion of the various county jury commissioners. As these two systems may have some arguable impact upon the types of juries which are drawn from the distinct juror lists, we believe that some reasonable basis for the difference in treatment should be articulated by the Legislature or a uniform system of creating prospective juror lists adopted to avoid the possibility of a court finding that the present LB 803 system denies a criminal defendant in this state equal protection of the law.

PAUL L. DOUGLAS
Attorney General
(Signed) J. Kirk Brown
Assistant Attorney General

JKB:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 269 and LR 270.

MOTION - Approve Appointments

Mrs. Labedz moved the adoption of the report of the Constitutional Revision and Recreation Committee for the following Governor appointment found in the Journal on page 1143: Stan Juelfs - Game and Parks Commission.

Voting in the affirmative, 29:

Barrett
Carsten
Chronister
Clark
DeCamp
Fenger
Goll
Goodrich
Hefner
Hoagland
Jacobson
Johnson, L.
Kahle
Labedz
Landis
Lundy
McDonald
Nichol
Pappas
Peterson, H.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Warner
Withem

Voting in the negative, 0.

Present and not voting, 8:

Beyer
Chambers
Eret
Hannibal
Higgins
Johnson, R.
Morehead
Peterson, R.

Excused and not voting, 12:

Abboud
Beutler
Haberman
Harris
Johnson, V.
Kilgarin
Lamb
Marsh
Newell
Schmit
Wagner
Wesely

The appointment was confirmed with 29 ayes, 0 nays, 8 present and not

voting, and 12 excused and not voting.

MOTION - Withdraw LB 887

Mr. DeCamp renewed his pending motion to withdraw LB 887 found in the Journal on page 1143.

The motion prevailed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 744. Title read. Considered.

Mr. DeCamp offered the following amendment:
(Amendment on file in the Clerk's Office - Rm 2018 - AM2143)

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?"

Mrs. Marsh moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The motion to cease debate prevailed with 25 ayes, 17 nays, 6 present and not voting, and 1 excused and not voting.

Mr. DeCamp requested a record vote on his amendment.

Voting in the affirmative, 16:

Clark
DeCamp
Goodrich
Haberman
Higgins
Jacobson
Johnson, R.
Labedz
Nichol
Pappas
Rupp
Schmit
Scofield
Von Minden
Wagner
Withem

Voting in the negative, 27:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Eret
Fenger
Goll
Harris
Hefner
Hoagland
Johnson, L.
Kahle
Lamb
Landis
Lundy
Marsh
Morehead
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Vickers
Warner

Present and not voting, 5:

Hannibal Johnson, V. Kilgarin McDonald Newell

Excused and not voting, 1:

Wesely

The DeCamp amendment lost with 16 ayes, 27 nays, 5 present and not voting, and 1 excused and not voting.

The Speaker ordered that debate will continue on LB 744 until 11:00 a.m.

Mrs. Higgins moved to overrule the Speakers agenda, which permits consideration of LB 744 until 11:00 a.m.

The Higgins motion lost with 5 ayes, 30 nays, 13 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 67. Indefinitely postponed.
LEGISLATIVE BILL 167. Indefinitely postponed.
LEGISLATIVE BILL 231. Indefinitely postponed.
LEGISLATIVE BILL 379. Indefinitely postponed.
LEGISLATIVE BILL 381. Indefinitely postponed.
LEGISLATIVE BILL 431. Indefinitely postponed.
LEGISLATIVE BILL 458. Indefinitely postponed
LEGISLATIVE BILL 485. Indefinitely postponed.
LEGISLATIVE BILL 528. Indefinitely postponed.
LEGISLATIVE BILL 558. Indefinitely postponed.
LEGISLATIVE BILL 559. Indefinitely postponed.
LEGISLATIVE BILL 578. Indefinitely postponed.
LEGISLATIVE BILL 596. Indefinitely postponed.
LEGISLATIVE BILL 688. Indefinitely postponed.
LEGISLATIVE BILL 812. Indefinitely postponed.
LEGISLATIVE BILL 864. Indefinitely postponed.
LEGISLATIVE BILL 1053. Indefinitely postponed.
LEGISLATIVE BILL 1054. Indefinitely postponed.
LEGISLATIVE BILL 1055. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

MOTION - Reconsider Action on LB 426

Mr. Chambers moved to reconsider Legislative Bill 426 which was indefinitely postponed on General File on February 27, 1984.

Laid over.

MOTION - Proposed Rules Changes

Mr. V. Johnson offered the following proposed rules changes:

I move to amend Rule 3, Section 14 to read as follows:

Sec. 14 ~~State Officials~~ Persons Appearing Before Committees. (a) State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

(b) Persons are encouraged to testify at public hearings, or in the alternative, to submit written statements to be made part of the official committee records. Persons submitting written testimony shall not also present such testimony orally to the committee.

Referred to the Rules Committee.

Mr. V. Johnson offered the following proposed rules changes:

I move to amend Rule 3, Section 10 to read as follows:

Sec. 10. Conduct During Committee Hearing. (a) No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the Committee conducts an Executive Session within the hearing room assigned to that Committee for such purpose, unless the committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.

(b) Persons who distribute written statements at Committee hearings may not then read the statement to the Committee.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 470 in the Journal. No objections. So ordered.

AM2086

1. Insert new sections as follows:

"Sec. 6. As used in sections 71-183 to 71-193.14, unless the context otherwise requires:

(1) Dental hygienist shall mean a person licensed by the Department of Health pursuant to section

71-193.04;

(2) Dental assistant shall mean a person, other than a dental hygienist, employed by a licensed dentist for the purpose of assisting such dentist in the performance of his or her clinical and clinical-related duties; and

(3) Dental auxiliary shall mean a person, other than a dental hygienist or dental assistant, employed by a licensed dentist for the purpose of performing clerical tasks related to such dentist's clinical or clinical-related duties.

Sec. 8. That section 71-193.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-193.13. Any licensed dentist, public institution, or school may employ dental auxiliaries and dental assistants, in addition to licensed dental hygienists. Such dental auxiliaries and dental assistants, under the supervision of a licensed dentist, may perform such duties as are prescribed in accordance with rules and regulations adopted by the Department of Health, except ~~; Provided,~~ that only a licensed dentist or a licensed dental hygienist may perform the scaling and polishing of teeth in the oral prophylaxis procedure.

Sec. 9. That section 71-193.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-193.14. The Board of Examiners in Dentistry shall recommend rules and regulations to the Department of Health governing the performance of duties by licensed dental hygienists and other dental auxiliaries and assistants. The Department of Health shall adopt rules and regulations for such purpose upon the recommendations being submitted by the Board of Examiners in Dentistry.".

2. In the Enrollment and Review amendment, on page 2, strike beginning with "line" in line 12 through "in" in line 13.

3. On page 7, line 12, strike "and 81-197" and insert "71-193.13, and 71-193.14".

4. In the Standing Committee amendments on page 4, line 4, after "a" insert "dental assistant or".

5. Renumber sections accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 470 in the Journal. No objections. So ordered.

AM2085

1. Insert a new section as follows:

"Sec. 2. That section 71-116, Revised Statutes Supplement, 1983, be amended to read as follows:

71-116. (1) The members of each board of examiners shall be appointed for a term of three years, except that on or after November 1, 1979, the members of each board of examiners shall be appointed for a term of five years and no member shall be appointed for or serve for more than two consecutive full five-year terms.

(2) The members of the Board of Examiners in Dentistry shall be appointed as follows: As of December 1, 1971, one member shall be appointed for a term of five years and one member shall be appointed for a term of three years; as of December 1, 1972, one member shall be appointed for a term of three years; as of December 1, 1973, one member shall be appointed for a term of three years; and as of December 1 of each year thereafter, two members shall be appointed for a term of five years; ~~and~~ as of December 1, 1979, one member, who is a duly licensed dental hygienist and complies with the provisions of sections 71-114 and 71-115 shall be appointed for a term of five years; and as of December 1, 1985, an additional, nonvoting member who is a dental assistant shall be appointed for a term of five years. The dental hygienist member shall have full voting rights, except in matters pertaining to the initial or continuing licensure or competency of a duly licensed practitioner of dentistry. Thereafter successors with like qualifications shall be appointed for five-year terms. No member shall be appointed for or serve for more than two consecutive full five-year terms.

(3) The members of the Board of Examiners in Medicine and Surgery shall be appointed as follows: Within thirty days after May 25, 1943, five members shall be appointed, one of whom shall hold office until December 1, 1944, one until December 1, 1945, one until December 1, 1946, one until December 1, 1947, and one until December 1, 1948; upon the expiration of said several terms, successors shall be appointed for terms of five years each. Within thirty days after October

19, 1963, a sixth member, who shall be a person eligible for appointment to the Board of Examiners in Osteopathy who also has a license to practice medicine and surgery in the State of Nebraska, shall be appointed for a term expiring on December 1, 1968. Thereafter successors with like qualifications shall be appointed for five-year terms. Upon the expiration of the five-year term of such sixth member of the board after August 30, 1981, his or her eligible successor shall be a person who has a license to practice medicine and surgery and a license to practice osteopathy in the State of Nebraska.

(4) The members of the Board of Examiners in Audiology and Speech Pathology shall consist of two audiologists and two speech pathologists and shall be appointed as follows: Within sixty days after July 22, 1978, four members shall be appointed, two of whom shall hold office until December 1, 1979, and two until December 1, 1980. Upon the expiration of such terms the successors shall be appointed for terms of five years each. No member shall be appointed for or serve for more than two consecutive five-year terms.

(5) As of December 1, 1983, the Board of Examiners in Pharmacy shall be composed of five members, including four actively practicing pharmacists, one of whom practices within the confines of a hospital, and a lay member who is interested in the health of the people of Nebraska and is of the age of majority. The members of the Board of Examiners in Pharmacy shall be appointed as follows: As of December 1, 1983, the hospital pharmacist member shall be appointed for a term of five years and the lay member shall be appointed for a term of three years. Upon the expiration of such terms and the terms of existing members, all successors shall be appointed for terms of five years each.

(6) The term of each examiner provided for herein shall commence on the first day of December, following the expiration of the term of the member whom such person succeeds, and shall be rotated in such a manner that no more than one examiner shall retire during any year in which a term expires unless the number of members on a board makes it impractical to do so.

(7) The members of boards for professions, coming under the scope of sections 71-101 to 71-1,196, for the first time shall be appointed within thirty days

after the effective date of the act providing for licensing of the profession, the terms of the initial board members to be as follows: One member shall hold office until December 1 of the third year, one until December 1 of the fourth year, and one until December 1 of the fifth year following the year in which the act providing for licensing of the profession became effective.”.

2. On page 3, line 10, after “Dentistry” insert “, except the nonvoting dental assistant member of the Board of Examiners in Dentistry,”; and in line 19 after “boards” insert “, except the nonvoting member of the Board of Examiners in Dentistry who is a dental assistant,”.

3. In the Enrollment and Review amendments on page 2, line 15, strike “section” and insert “sections 71-116 and”.

4. Renumber sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 832A. By McDonald, 31st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 832, Eighty-eighth Legislature, Second Session, 1984.

GENERAL FILE

LEGISLATIVE BILL 744. Mr. DeCamp offered the following amendment:

On line 6, page 4, following the comma, strike all new language to the period in line 7.

Mr. R. Peterson moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

Mrs. Higgins requested a roll call vote on the DeCamp amendment.

Voting in the affirmative, 10:

Clark DeCamp Haberman Higgins Jacobson
Johnson, R. Nichol Pappas Schmit Wagner

Voting in the negative, 37:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Eret
Fenger
Goll
Goodrich
Hannibal
Harris
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Peterson, H.
Peterson, R.
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Warner
Withem

Present and not voting, 1:

Pirsch

Excused and not voting, 1:

Wesely

The DeCamp amendment lost with 10 ayes, 37 nays, 1 present and not voting, and 1 excused and not voting.

Mrs. Higgins moved to indefinitely postpone LB 744.

Mr. Chronister moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Higgins asked unanimous consent to withdraw her pending motion to indefinitely postpone LB 744. No objections. So ordered.

The Speaker ordered the time has run out on LB 744.

Mr. Landis moved to overrule the Agenda and extend debate on LB 744 till 12:00 to continue on 744.

Mr. Landis moved for a Call of the House. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Landis requested a roll call vote on his motion.

Voting in the affirmative, 29:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Eret
Fenger
Goll
Harris
Hefner
Hoagland
Johnson, L.
Johnson, V.

Kahle Lamb Landis Lundy Marsh
Morehead Peterson, H. Peterson, R. Pirsch Remmers
Scofield Sieck Vickers Warner

Voting in the negative, 16:

DeCamp Goodrich Haberman Hannibal Higgins
Jacobson Johnson, R. Kilgarin Labedz McDonald
Newell Pappas Rupp Schmit Wagner
Withem

Present and not voting, 3:

Clark Nichol Von Minden

Excused and not voting, 1:

Wesely

The Landis motion lost with 29 ayes, 16 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Special Commonwealth

LEGISLATIVE BILL 1026. Placed on General File as amended.
Standing Committee amendments to LB 1026:
AM2146

1. On page 3, line 5, strike "at"; strike line 6; in line 7 strike "a failing" and insert "an"; and in line 9 after "number" insert "or location".

2. On page 9, strike the new matter in lines 21 through 25 and insert "A bank holding company which acquires an institution or which forms a bank which acquires an institution under sections 8-1506 to 8-1510 shall not have such acquisition or formation count against the total deposits limitation or bank acquisition limitation imposed by this section, nor shall such acquisition or formation be limited, restricted, or disallowed by any other prohibition imposed by this section, except that any such acquisition which occurs under sections 8-1506 to 8-1510 shall count against the total deposits limitation and the total bank acquisition limitation imposed by this

section if the bank holding company making such acquisition has not reached either of such limitations on July 1, 1987.”.

3. Insert the following new section:

“Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

(Signed) Vard Johnson, Chairperson

Appropriations

LEGISLATIVE BILL 354. Indefinitely postponed.
LEGISLATIVE BILL 581. Indefinitely postponed.
LEGISLATIVE BILL 601. Indefinitely postponed.
LEGISLATIVE BILL 878. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 993. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 744 in the Journal. No objections. So ordered.

AM2153

1. Add new section:

“Section 1. As used in this act, unless the context otherwise requires:

(1) Department shall mean the Department of Revenue;

(2) Sporting event shall mean any contest in any sport, between individual contestants or teams of contestants, without regard to the amateur or professional status of the contestants therein, the occurrence of which is publicly announced before its occurrence; and

(3) Sports pool operator or operator shall mean any person holding a current license under section 2 of this act who accepts wagers on sporting events by any system or method of wagering other than the system of parimutuel wagering taxed under section 2-1208.01.

Sports pool operator shall not include any person accepting wagers totaling less than one hundred dollars per year.

Sec. 2. Any person who accepts wagers on sporting events totaling more than one hundred dollars in any calendar year shall apply to the department for a sports pool operator's license. Such application shall be in the form prescribed by the department and shall be accompanied by a fee of five hundred dollars. The department shall issue the license to the applicant if the department finds that the applicant is:

(1) A resident of the state; and

(2) At least twenty-five years of age.

Sec. 3. There is hereby imposed a tax of three per cent on the gross sum wagered with sports pool operators in this state. Each sports pool operator shall be liable for the tax on all wagers placed with him or her. Such taxes shall be due on the final day of the month and each operator shall, on or before the tenth day of each month, remit the taxes due on all amounts wagered during the preceding calendar month. Any operator who fails to remit such tax by the twentieth day of the month shall pay a late payment penalty equal to twenty per cent of the amount due. Any operator failing to pay the amount due within thirty days after the payment is due shall pay interest at the rate prescribed in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, on both the tax due and on the penalty. The department shall after notice and a hearing, revoke the license of any operator failing, without just cause, to pay the amount due within thirty days after such payment is due. Any person whose license is revoked under this section shall not be eligible for relicensure for one year after such revocation.

Sec. 4. Each operator shall maintain records of all wagers received and of all payments made. Such records shall include the name and address of the person making the wager or receiving the payment. The operator shall retain such records for one calendar year. The department may inspect such records at any time during normal business hours. Each operator shall display his or her license in a position clearly visible to the public at the location where he or she accepts wagers.

Sec. 5. The department shall adopt and

promulgate rules and regulations to carry out this act.

Sec. 6. It shall not be unlawful for any person to engage in gambling on a sporting event if the wager is placed with a licensed sports pool operator.

Sec. 7. Any person violating this act shall be guilty of a Class I misdemeanor.".

GENERAL FILE

LEGISLATIVE BILL 645. Title read. Considered.

Standing Committee amendments, AM1770, found in the Journal on page 760 for the Twentieth Day were considered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Standing Committee amendments were adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Harris renewed his pending amendment, AM1913, found in the Journal on page 859.

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

MR. LAMB PRESIDING

The Harris amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 26 ayes, 3 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 360. Title read. Considered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1617, found in the Journal on page 253. No objections. So ordered.

Mr. R. Peterson and Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp renewed his pending amendment, AM1640, found in the

Journal on page 368.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. V. Johnson requested a roll call vote on the DeCamp amendment.

Voting in the affirmative, 25:

Chambers
DeCamp
Eret
Haberman
Harris
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Pappas
Rupp
Schmit
Scofield
Sieck
Vickers
Wagner
Warner
Withem

Voting in the negative, 17:

Abboud
Barrett
Beyer
Carsten
Chronister
Clark
Goll
Goodrich
Hefner
Jacobson
Johnson, L.
Johnson, R.
Lamb
Nichol
Peterson, H.
Remmers
Von Minden

Present and not voting, 3:

Fenger
Hannibal
Pirsch

Excused and not voting, 4:

Beutler
Labedz
Peterson, R.
Wesely

The DeCamp amendment was adopted with 25 ayes, 17 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

The Committee on Miscellaneous Subjects desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

(Sec. of State Appointment)
John Wherry - NE Accountability and Disclosure Commission

(Governor Appointments)
Dennis Schroeder - State Electrical Board

Gary Chunka - NE Bingo and Pickle Card Regulatory Commission

Voting aye: Senators Fenger, Hannibal, Hefner, Lundy, Newell, Von Minden. Voting nay: None. Absent: Senators Barrett and V. Johnson.

(Signed) Elroy Hefner, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 931A. By Remmers, 1st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 931, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

Corrective Amendments to LB994
(Amendment to AM# 2088, white copy version of LB 994)

1. Page 8, lines 3 and 4, strike the new language and reinstate the stricken language.
2. Page 29, strike beginning with "amount" on line 20, through "maximum" on line 22. Line 24, following "of" insert "this" and strike "14 of this act".

Purpose: To eliminate some provisions relating to new in-service functions for the Department of Education and the requirement for a local match for teacher stipends. The Committee voted to strike these provisions, but the Committee Amendments, as printed, erroneously reinstated the provisions which were part of the original LB 994.

Mr. Warner asked unanimous consent to print the following amendment to LB 470 in the Journal. No objections. So ordered.

AM1913
(Amendments to the E & R amendments)

1. Strike amendment 1 and insert the following new amendment:

"1. Strike original section 6 and renumber the remaining sections accordingly.".

2. On page 1, line 19, after the last comma insert "and"; and strike beginning with "and" in line 20 through "1983" in line 21.

3. On page 2, line 5, after "sections" insert ", and also section 81-197, Revised Statutes Supplement, 1983, as amended by section 44, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1984"; in line 13 strike beginning with "in" through the second semicolon; in line 14 after the second "and" insert "also"; and in line 15 after the third comma insert "as amended by section 44, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1984,".

Mr. Chambers asked unanimous consent to print the following amendment to LB 744 in the Journal. No objections. So ordered.

Page 4, lines 7, 8: Strike "except as authorized in the furtherance of parimutuel wagering."

Miss Kilgarin asked unanimous consent to print the following amendment to LB 692 in the Journal. No objections. So ordered.

AM2126

1. Insert new sections as follows:

"Sec. 3. That section 44-2819, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2819. (1) In any action for damages for bodily injuries or for wrongful death when it is alleged that the claimant suffered damages for the cost of medical care, custodial care, or rehabilitation services, evidence which tends to establish that the claimant or another person so damaged has been or shall be reimbursed or paid for any such item of damage, cost, or expense, in whole or in part, by any nonrefundable medical reimbursement insurance shall not be admissible in evidence or brought to the attention of the jury.~~, but such nonrefundable medical reimbursement insurance benefits, less all premiums paid by or for the claimant, may be taken as a credit against any judgment rendered. The matter of any credit to be deducted from a judgment shall be determined by the court in a separate hearing or upon the stipulation of the parties.~~

(2) Damages recoverable in any action shall be those losses which have been or shall be sustained by

the claimant as a direct and proximate result of the defendant's wrongful acts as established by a preponderance of the evidence. In wrongful death actions, pecuniary loss to a widow or widower, any dependent, or next of kin shall be subject to all of the terms and provisions of sections 44-2801 to 44-2855.

Sec. 10. That section 44-2828, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2828. ~~Any~~ Except as provided in section 25-213, any action to recover damages based on alleged malpractice or professional negligence or upon alleged breach of warranty in rendering or failing to render professional services shall be commenced within two years next after the alleged act or omission in rendering or failing to render professional services providing the basis for such action, except that if the cause of action is not discovered and could not be reasonably discovered within such two-year period, the action may be commenced within ~~one year~~ two years from the date of such discovery or from the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier. ~~In no event may any action be commenced to recover damages for malpractice or professional negligence or breach of warranty in rendering or failing to render professional services more than six years after the date of rendering or failing to render such professional service which provides the basis for the cause of action.~~".

2. In the Standing Committee amendments, AM1709:

a. On page 3, line 17, after "patient" insert "or his or her representative"; in line 22 after the comma insert "and"; and strike beginning with "and" in line 25 through line 26, show as stricken, and insert "it shall be conclusively presumed that the patient has elected to be bound.";

b. On page 4, strike beginning with "the" in line 1 through the period in line 5 and show the old matter as stricken; and strike lines 15 through 24, show the old matter as stricken, and insert a new subsection as follows:

"(3) An election of a patient not to be bound shall be effective until such time as the patient or his or her representative revokes the election. The patient may revoke the election in writing at any time and a copy of such revocation shall be forwarded to the director within five days after it is made.";

c. On page 5, strike beginning with "Subject" in line 13 through "a" in line 14, show as stricken, and insert "A"; and in line 22 after "jurisdiction" insert ", except that the provisions of sections 23-2401 to 23-2440 shall be controlling when a health care provider can be sued under the Political Subdivisions Tort Claims Act";

d. On page 19, line 5, after "of" insert "optional"; strike beginning with "in" in line 8 through the period in line 9, show as stricken, and insert an underscored period; strike lines 10 through 14 and show as stricken; in line 15 strike "(3)", show as stricken, and insert "(2)"; strike beginning with "notice" in line 17 through "proposed" in line 18 and show as stricken; strike beginning with "served" in line 18 through "mail" in line 19, show as stricken, and insert "filed with a court having requisite jurisdiction"; in line 20 strike "notice", show as stricken, and insert "petition or complaint"; and strike lines 24 through 26;

e. On page 20, strike line 1;

f. On page 22, strike lines 12 through 14 and insert:

"(3) If the members of the medical review panel have not been selected within one hundred twenty days following filing of the petition or complaint required by section 44-2840, the court shall have authority to select members of the panel and to set a specific date for the hearing."; and

g. On page 24, line 7, strike "44-2820" and insert "44-2819" and after the final comma insert "44-2828,"; and in line 9 after the last comma insert "and also section 44-2818, Reissue Revised Statutes of Nebraska, 1943,".

3. Renumber remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1071. Placed on Select File as amended.
E & R amendments to LB 1071:
AM5307

1. On page 2, lines 13, 18, and 24, strike the first comma and show as stricken.

2. On page 3, line 25, strike the first "or", show as stricken, and insert an underscored comma.

3. On page 4, line 11, strike "excavation", show as stricken, and insert "excavating"; in line 23 strike both commas and show as stricken; and in line 27 strike the semicolon and insert an underscored comma.

4. On page 5, line 10, strike "excavation", show as stricken, and insert "excavating".

5. On page 7, lines 18 and 19, strike the comma and show as stricken.

6. On page 9, line 8, strike the first comma and show as stricken.

7. On page 10, line 21, strike the comma and show as stricken.

8. On page 11, line 3, strike the comma and show as stricken; in line 4 strike the underscored comma; and in line 24 strike the last comma and show as stricken.

9. On page 13, line 15, after "or" insert "varying"; in line 17 strike the comma and show as stricken; and in line 25 after "systems" insert an underscored comma.

10. On page 14, line 5, after "or" insert "varying"; and in line 24 strike the comma and show as stricken.

11. On page 15, lines 14 and 16, strike the comma and show as stricken; and in line 23 strike "shall deem", show as stricken, and insert "deems".

12. On page 16, line 21, strike the comma and show as stricken.

13. On page 17, line 5, strike the comma and show as stricken.

14. On page 18, lines 8, 9, 22, and 23, strike the comma and show as stricken.

15. On page 19, line 2, strike the first comma and show as stricken; in lines 8, 9, 11, and 17, strike all of the commas and show as stricken; in line 22 reinstate "46-674", and strike "46- 674.01" and insert "and section 16 of this act"; and in line 27 strike "46-674.01." and show as stricken.

LEGISLATIVE BILL 799. Placed on Select File as amended.
E & R amendment to LB 799:
AM5306

1. On page 2, line 15, strike the comma and

show as stricken.

LEGISLATIVE BILL 1001. Placed on Select File as amended.
E & R amendments to LB 1001:
AM5305

1. On page 1, line 1, strike "permits to hunt" and insert "game and parks".
2. On page 2, lines 13 and 16, strike the comma and show as stricken.

LEGISLATIVE BILL 973. Placed on Select File as amended.
E & R amendments to LB 973:
AM5308

1. On page 1, line 5, after the first semicolon insert "to provide jurisdiction for certain county courts;".
2. On page 3, lines 4, 5, and 20, strike the comma and show as stricken; in line 24 after "43-2,129" insert an underscored comma; and in line 25 strike the first "and" and show as stricken.
3. On page 4, lines 2 and 3, strike the comma.

LEGISLATIVE BILL 1113. Placed on Select File as amended.
E & R amendment to LB 1113:
AM5309

1. On page 2, line 11, strike the first comma and show as stricken; and in line 13 strike the comma and show as stricken, and after "jury" insert an underscored comma.

LEGISLATIVE BILL 1095. Placed on Select File as amended.
E & R amendment to LB 1095:
AM5310

1. On page 2, line 14, strike the comma and show as stricken.

LEGISLATIVE BILL 942. Placed on Select File as amended.
E & R amendments to LB 942:
AM5311

1. On page 2, line 9, strike the comma and show as stricken; and in line 16 strike "shall decide", show as stricken, and insert "decides".
2. On page 3, line 10, strike the second comma and show as stricken; and in line 12 strike the comma and show as stricken.

3. On page 4, lines 6 and 17, strike "shall be", show as stricken, and insert "is".

4. On page 5, line 4, reinstate the stricken matter; and in line 10 after "membership" insert an underscored comma.

5. In the Vickers amendment adopted February 24, 1984, found on page 1113 of the Journal, on page 1, line 5, strike "districts" and insert "a Class II district" and strike the commas; and in line 6 strike the second "one year" and insert "one- year".

LEGISLATIVE BILL 1098. Placed on Select File as amended.
E & R amendments to LB 1098:
AM5312

1. On page 2, line 4, strike the comma and show as stricken; in line 21 strike "such" and insert "the"; in line 24 strike ", when" and insert "if"; and in line 25 strike "percent" and insert "per cent".

2. On page 3, line 2, strike the second comma; in line 3 strike the comma; in line 6 strike ", when" and insert "if"; in line 7 strike "percent" and insert "per cent"; and in line 21 strike the commas and show as stricken.

3. On page 4, lines 5, 17, and 18, strike the comma and show as stricken.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 788. Placed on General File.
LEGISLATIVE BILL 980. Placed on General File.
LEGISLATIVE BILL 1016. Placed on General File.

LEGISLATIVE BILL 1008. Placed on General File as amended.
Standing Committee amendments to LB 1008:
AM2136

1. On page 23, line 20, strike the new matter; in line 23, strike "Wine Research" and insert "General"; and strike beginning with "which" in line 23 through line 27 and insert an underscored period.

2. On page 24, strike lines 1 through 3.

LEGISLATIVE BILL 258. Indefinitely postponed.
LEGISLATIVE BILL 789. Indefinitely postponed.

LEGISLATIVE BILL 948. Indefinitely postponed.
LEGISLATIVE BILL 950. Indefinitely postponed.

(Signed) Elroy Hefner, Chairperson

VISITORS

Visitors to the Chamber were Mike Naden from Franklin; a group of students from Kearney State College; Mr. R. Johnson's grandparents Ivan and June Johnson and Lorraine and Lillian Aspegren from Harvard; Mr. Schmit's wife and relatives from David City; Mr. Hefner's wife, son, daughter-in-law, and grandchildren from Bloomfield; Rev. Andy Kwankin and wife Elizabeth from Allen and Alice Tawney from Morse Bluff; and Vera Dulaney, Ben Shaver, Glen Zamanek, Hershal Baird, Dick Hoffman, Don Smith, Clint Morrison, and Brian Silverman from Scottsbluff and Gering.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Kahle, the Legislature adjourned until 9:00 a.m., Wednesday, February 29, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 29, 1984

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Reverend Charles L. Wildman, Vine Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud and Rupp who were excused; and Messrs. Beutler, Hannibal, Hoagland, R. Johnson, Sieck, Vickers, Mrs. Pirsch, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1173, line 17, strike "AM1913" and insert "AM1912".
The Journal for the Thirty-Fifth Day was approved as corrected.

REPORT

Received report from State Claims Board for all claims processed and paid under State Tort Claims Act pursuant to Section 81-8,226.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 660 in the Journal. No objections. So ordered.

AM2133

1. On page 2, line 7, strike "them", show as stricken, and insert "a certificate indicating that such revision is complete".

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Higgins asked unanimous consent to have her name added as co-introducer to LB 695. No objections. So ordered.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 949. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2134.)

(Signed) Elroy Hefner, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 271. Read. Considered.

Mr. DeCamp and Mrs. Marsh asked unanimous consent to add their names as co-introducers to LR 271. No objections. So ordered.

LR 271 was adopted with 26 ayes, 0 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 360. Considered.

Mr. Pappas renewed his pending amendment found in the Journal on page 539.

Mr. Pappas moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Pappas amendment was adopted with 27 ayes, 10 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. McDonald moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. McDonald requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Beutler Chambers DeCamp Eret Haberman

Hannibal Harris Higgins Hoagland Johnson, V.
Kilgarin Labedz Landis Marsh McDonald
Morehead Newell Pappas Schmit Scofield
Vickers Wesely Withem

Voting in the negative, 23:

Barrett Beyer Carsten Chronister Clark
Fenger Goll Goodrich Hefner Jacobson
Johnson, L. Johnson, R. Kahle Lamb Lundy
Nichol Peterson, H. Peterson, R. Remmers Sieck
Von Minden Wagner Warner

Excused and not voting, 3:

Abboud Pirsch Rupp

Failed to advance to E & R for Review with 23 ayes, 23 nays, and 3 excused and not voting.

The Chair declared the Call raised.

ANNOUNCEMENT

Speaker Nichol announced that today is Senator Sieck's birthday.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Fenger asked unanimous consent to have his name added as co-introducer to LB 761. No objections. So ordered.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 756. Indefinitely postponed.
LEGISLATIVE BILL 792. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 272.

Introduced by Nichol, 48th District.

WHEREAS, kidney disease is a major health problem in Nebraska and the United States; and

WHEREAS, seventy-five thousand Nebraskans and thirteen million people in the United States suffer from kidney-related diseases and seventy-eight thousand people in the United States die each year from end-stage renal disease; and

WHEREAS, almost fifty-one thousand people, including three hundred Nebraskans, must depend on an artificial kidney machine to maintain life; and

WHEREAS, fifteen thousand people, including almost forty Nebraskans, are on the waiting list to receive a kidney transplant; and

WHEREAS, nearly sixty kidney transplants are performed in Nebraska each year and nearly five thousand kidney transplants are performed nationally each year; and

WHEREAS, additional organs, such as the heart, lung, and pancreas, are needed for transplantation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature encourages Nebraskans to give the gift of life by signing and carrying the Uniform Organ Donor card which authorizes the use of one's kidneys and other organs after death.

Laid over.

LEGISLATIVE RESOLUTION 273.

Introduced by DeCamp, 40th District.

WHEREAS, the American Indian has contributed to the rich cultural heritage of Nebraska; and

WHEREAS, Deborah Wagner-Ashton was born and educated in the State of Nebraska and has sculpted a bust of Susette La Flesche Tibbles which will be dedicated in the Nebraska Hall of Fame on March 1, 1984; and

WHEREAS, the bust will serve as a reminder of Nebraska's heritage and will reflect the many great accomplishments of Ms. Tibbles; and

WHEREAS, Susette La Flesche Tibbles was the first Indian woman to publicly speak out for human rights for the Indian and promoted the Indian cause by serving as an interpreter for Chief Standing Bear in Washington, D.C.; and

WHEREAS, Susette La Flesche Tibbles and her husband were instrumental in the defense of Chief Standing Bear at the trial which resulted in the ruling that an Indian was to be considered a human being under the law; and

WHEREAS, Susette La Flesche Tibbles served as a spokesperson for the Indian cause until her death and burial in Bancroft, Nebraska, in

1902; and

WHEREAS, the great service done by Susette La Flesche Tibbles for the American Indian and the State of Nebraska warrants the praise of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the importance of the heritage that is represented by the bust of Susette La Flesche Tibbles.

2. That Deborah Wagner-Ashton and others that helped make this project possible deserve special commendation and recognition for their efforts.

3. That a copy of this resolution be sent to the Nebraska Historical Society.

Laid over.

LEGISLATIVE RESOLUTION 274.

Introduced by Labedz, 5th District.

WHEREAS, Union Bank and Trust Company has graciously donated property located in Cass County, Nebraska, holding great potential for outdoor recreational activities, to the Nebraska Game and Parks Foundation; and

WHEREAS, the Nebraska Game and Parks Commission has the general authority to acquire real estate by gift with the consent of the Governor; and

WHEREAS, in the interest of promoting recreational opportunities for Nebraskans, the Legislature wishes to grant approval for the Nebraska Game and Parks Commission to obtain title to all or any part of such land presently held in trust by the Nebraska Game and Parks Foundation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Nebraska Game and Parks Commission of all of the real estate described as follows:

A tract of land located in the northwest quarter of section 21, township 12 north, range 11 east of the 6th principal meridian, Cass County, Nebraska, more particularly described as follows: Commencing at the southwest corner of the northwest quarter of said section 21; thence north 0 degrees 0 minutes 0 seconds east (assumed bearing), along the west line of said section 21, a distance of 375.67 feet; thence north 89 degrees 59 minutes 50 seconds east a distance of 790.07

feet to the point of beginning; thence north 0 degrees 0 minutes 10 seconds west, a distance of 812.65 feet to a point on the south right-of-way line of the Chicago, Burlington and Quincy Railroad; thence north 64 degrees 58 minutes 0 seconds east, along said south right-of-way line of the Chicago, Burington and Quincy Railroad, a distance of 483.14 feet; thence, along said south right-of-way line of the Chicago, Burlington and Quincy Railroad, on a spiral curve to the right, said spiral curve having a long chord which bears north 65 degrees 26 minutes 24 seconds east, a distance of 100.72 feet; thence south 0 degrees 4 minutes 46 seconds east, a distance of 1,058.93 feet; thence south 89 degrees; 59 minutes 50 seconds west, a distance of 530.79 feet to the point of beginning. Said tract of land contains an area of 11.394 acres, more or less.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as a part of the Platte River State Park.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 915 in the Journal. No objections. So ordered.

1. Add a new Section 2 as follows:

Any person, firm or corporation, who, on the effective date of this act, was receiving money from clients and transporting, delivering or forwarding the money to a licensed race track for placement into the race track's parimutuel pool in a manner directed by the client, shall be exempt from the provisions of this act upon the filing, within thirty days after the effective date of this act, an affadavit with the Nebraska State Racing Commission disclosing the name of the business, location of the business and any branch offices and owners of the business including the officers if the business is a corporation.

2. Renumber original Section 2 as Section 3.

Mr. Warner asked unanimous consent to print the following amendment to LB 677 in the Journal. No objections. So ordered.

AM2145

1. Insert the following new section:

“Section 1. That section 39-663, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-663. (1) Whenever the Department of Roads shall determine, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place, or part of such highway, which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway. The ~~;~~ ~~Provided, that the~~ maximum rural and freeway limits set forth in sections 39-601 to 39-6,122 shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(2) The speed limits set by the Department of Roads provided for in subsection (1) of this section shall not be a departmental rule, regulation, or order subject to the statutory procedures for such rules, regulations, or orders, but shall be an authorization over the signature of the Director-State Engineer and shall be maintained on permanent file at the headquarters of the Department of Roads. Certified copies of such authorizations shall be available from the Department of Roads at a reasonable cost for duplication. Any change to such an authorization shall be made by a new authorization which cancels the previous authorization and establishes the new limit, but the new limit shall not become effective until signs showing the new limit are erected, as provided in subsection (1) of this section.

(3) County boards on county roads not part of the state highway system or within the limits of any state institution or any area under control of the Game and Parks Commission and outside of the corporate limits of cities and villages shall have the same power and duty to alter the maximum speed limits as the Department of Roads. Any alteration of the maximum speed limit shall be based on an engineering and traffic

investigation comparable to that made by the Department of Roads, except that for a county road in and approaching a business or residential area of at least four acres in size and with a lot density of at least five developed lots per acre, the county board may, after due consideration of the traffic and engineering investigation, set a speed limit of no more than ten miles per hour less than the speed limit recommended by the investigation. ~~; Provided, that the change is based on an engineering and traffic investigation comparable to that made by the Department of Roads; and provided further, that~~ Under no circumstances shall the limit outside of a business or residence district ~~shall not~~ be decreased to less than thirty-five miles per hour.

(4) Incorporated cities and villages on all streets within their corporate limits, except on state-maintained freeways which are part of the state highway system, shall have the same power and duty to alter the maximum speed limits as the Department of Roads if ~~; Provided,~~ such change is based on engineering and traffic investigation. No ~~; and provided further, that no~~ imposition of speed limits on streets which are part of the state highway system in cities and villages under forty thousand inhabitants shall be effective without the approval of the Department of Roads.

(5) The director of any state institution or the Game and Parks Commission, with regard to roads not a part of the state highway system and within the limits of such institution or area under Game and Parks Commission control, and outside the limits of any incorporated city or village, shall have the same power and duty to alter the maximum speed limits as the Department of Roads if ~~; Provided,~~ such change is based on an engineering and traffic investigation comparable to that made by the Department of Roads.

(6) Not more than six such speed limits shall be set per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than twenty miles per hour.".

2. On page 2, line 20, strike "section" and insert "sections 39-663 and"; and in line 21 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

GENERAL FILE

LEGISLATIVE BILL 692. Title read. Considered.

Standing Committee amendments, AM1709, printed separate from the Journal and referred to on page 561 for the Fourteenth Day were considered.

Mr. Hoagland offered the following amendment to the Standing Committee amendments:

1. Page 19, line 24, after "may" insert "affirmatively"; line 25, strike "by so stating in his or her petition".
2. Add the following language to Section 14:

"(5) The exercise of the waiver authorized by section 14 of this Act shall not be subject to attack for the sole reason that the claimant had served the director with the notice prescribed by section 14 prior to the effective date of this Act, provided the requirements of sections 44-2840 to 44-2847 have not been fulfilled at the effective date."

The Hoagland amendment was adopted with 10 ayes, 2 nays, 34 present and not voting, and 3 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM1892, found in the Journal on page 782 to the Standing Committee amendments.

The DeCamp amendment was adopted with 20 ayes, 0 nays, 26 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

On page 2, line 22 in the DeCamp Amendment to the standing committee amendments (AM1892) change the word "six" to the word "ten".

The Beutler amendment was adopted with 17 ayes, 8 nays, 21 present and not voting, and 3 excused and not voting.

The Standing Committee amendments were adopted, as amended with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Miss Kilgarin renewed her pending amendment, AM2126, found in the Journal on page 1176.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Miss Kilgarin requested a roll call vote on her amendment.

Voting in the affirmative, 16:

Beutler
Chambers
Chronister
Goll
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
McDonald
Newell
Vickers
Warner
Withem

Voting in the negative, 24:

Barrett
Beyer
Carsten
Clark
DeCamp
Fenger
Goodrich
Haberman
Hannibal
Hefner
Jacobson
Johnson, L.
Johnson, R.
Kahle
Lamb
Lundy
Nichol
Pappas
Peterson, H.
Peterson, R.
Remmers
Sieck
Von Minden
Wagner

Present and not voting, 5:

Eret
Harris
Morehead
Scofield
Wesely

Excused and not voting, 4:

Abboud
Pirsch
Rupp
Schmit

The Kilgarin amendment lost with 16 ayes, 24 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

(Amendment to AM# 2088, white copy version by Senator Rod Johnson)

1. Add a new section 22 as follows and renumber the remaining sections accordingly:

Section 22. (1) Commencing immediately after the termination of the additional one half of one percent sales and use tax imposed pursuant to sections 77-2715.04 and 77-2715.05, there shall be imposed a one quarter of one cent sales tax, in addition to any tax imposed pursuant to section 77-2715.01. The proceeds from this additional tax shall be allocated to the specific funds created pursuant to the provisions of this act. (2) The sales and use tax imposed pursuant to subsection (1) of the section shall be interpreted, collected and enforced by the Tax Commission under the provisions of Chapter 77, article 27.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 766. Placed on General File as amended.
Standing Committee amendments to LB 766:
AM2155

1. On page 2, line 1, strike "39-104.04" and insert "39-6,104.04".

2. Insert the following new sections:

"Section 1. That section 39-6,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,104. It shall be the duty of any sheriff, constable, ~~policeman~~ police officer, or any other peace officer in this state, other than members of the Nebraska State Patrol, who shall investigate any traffic accident in the performance of his or her official duties, in all instances of an accident resulting in injury or death to any person or in which estimated damage exceeds ~~two~~ five hundred ~~fifty~~ dollars to the property of any one person, to submit ~~a~~ an original report of such investigation to the accident record bureau of the Department of Roads within ten days after each such accident. ~~Such report shall be on forms to be prescribed and furnished by the~~ The Department of Roads shall have authority to collect accident information it deems necessary and shall prescribe and furnish appropriate forms for reporting.

Sec. 5. This act shall become operative on January 1,1985.".

3. On page 5, line 15, after "sections" insert "39-6,104,".

4. Renumber original sections 1 to 4 as sections 2, 3, 4, and 6 respectively.

LEGISLATIVE BILL 1060. Placed on General File as amended.
Standing Committee amendment to LB 1060:
AM2154

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Loran Schmit, Chairperson

Appropriations

LEGISLATIVE BILL 883. Placed on General File.

LEGISLATIVE BILL 874. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 1127. Placed on General File.

LEGISLATIVE BILL 839. Placed on General File as amended.
Standing Committee amendments to LB 839:
AM2173

1. On page 3, in lines 3, 12, and 23 strike "purchase" and insert "participate in the"; in line 3 strike the second "coupons" and insert "program"; in lines 6, 8, 18, and 20 strike "authorization cards" and insert "authorizations"; and in lines 12 and 24 strike "coupons" and insert "program".

2. On page 4, line 1, strike "purchase food stamp coupons" and insert "participate in the food stamp program".

(Signed) George Fenger, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 314A. By R. Peterson, 21st District; Higgins, 9th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 314, Eighty-eighth Legislature, Second Session, 1984.

SELECT FILE

LEGISLATIVE BILL 377 Mr. Chambers offered the following

amendment:
In Committee Amendment Strike all language in lines 4-10.

MR. CLARK PRESIDING

Mr. Chambers moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Barrett	Carsten	Chambers	DeCamp	Eret
Fenger	Goll	Hannibal	Harris	Higgins
Jacobson	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Lundy	Marsh	McDonald	Morehead	Newell
Pappas	Scofield	Vickers	Wagner	Wesely
Withem				

Voting in the negative, 16:

Beutler	Beyer	Goodrich	Hefner	Hoagland
Johnson, L.	Kahle	Lamb	Landis	Nichol
Peterson, H.	Pirsch	Remmers	Schmit	Von Minden
Warner				

Present and not voting, 4:

Chronister	Clark	Peterson, R.	Sieck

Absent and not voting, 1:

Haberman

Excused and not voting, 2:

Abboud	Rupp

The Chambers amendment was adopted with 26 ayes, 16 nays, 4 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Messrs. Harris and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved to indefinitely postpone LB 377.

Messrs. Beyer, Haberman, and Goll asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Beutler requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 23:

Barrett	Beutler	Chronister	Clark	Eret
Fenger	Goodrich	Hefner	Jacobson	Johnson, L.
Kahle	Lamb	Landis	Morehead	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Schmit
Sieck	Von Minden	Warner		

Voting in the negative, 17:

Carsten	Chambers	Hannibal	Higgins	Hoagland
Johnson, R.	Johnson, V.	Kilgarin	Labedz	Lundy
Marsh	McDonald	Newell	Vickers	Wagner
Wesely	Withem			

Present and not voting, 3:

DeCamp	Pappas	Scofield

Excused and not voting, 6:

Abboud	Beyer	Goll	Haberman	Harris
Rupp				

The Beutler motion to indefinitely postpone lost with 23 ayes, 17 nays, 3 present and not voting, and 6 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Carsten	Chambers	DeCamp	Hannibal	Higgins
Hoagland	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Lundy	Marsh	McDonald	Newell	Pappas
Vickers	Wagner	Withem		

Voting in the negative, 23:

Barrett Beutler Chronister Clark Eret
Fenger Goodrich Hefner Jacobson Johnson, L.
Kahle Landis Morehead Nichol Peterson, H.
Peterson, R. Pirsch Remmers Schmit Sieck
Von Minden Warner Wesely

Present and not voting, 1:

Scofield

Absent and not voting, 1:

Lamb

Excused and not voting, 6:

Abboud Beyer Goll Haberman Harris
Rupp

Failed to advance to E & R for Engrossment with 18 ayes, 23 nays, 1 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Having failed to advance for the second time, LB 377 stands indefinitely postponed.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 695 in the Journal. No objections. So ordered.

1. On page 5, lines 21 and 22, strike ~~irrespective of the duration of the pregnancy~~.
2. On page 5, line 24 strike ~~including; but not limited to~~, and insert in its place such as.

Messrs. Pappas and DeCamp asked unanimous consent to print the following amendment to LB 956 in the Journal. No objections. So ordered.

AM2159

1. Insert the following new sections:

"Sec. 3. For fiscal year 1984-85 and each fiscal year thereafter the Legislature shall appropriate not less than one hundred million dollars from the General Fund for reduction of school district property taxes pursuant to sections 4 to 6 of this act.

Sec. 4. The funds appropriated pursuant to section 3 of this act shall be distributed to the various county treasurers of the state on the basis of the pro rata enumeration of children between the ages of five and eighteen years in each county last returned to the county superintendent. The Commissioner of Education shall determine the amount to be distributed to each county treasurer, shall notify each county superintendent of the amount of funds to be received in that county by August 25 of each year, and shall certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in nine equal monthly payments on the last business day of each month beginning October 1984 and each October thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall on the last business day of each month draw warrants against funds appropriated.

Sec. 5. The amount of funds received by the county treasurer pursuant to section 4 of this act shall be subtracted by the county board from the various general fund levies of school district property taxes in the county as such levies are reported pursuant to section 23- 927 and shall reduce the school district general fund property tax to be levied by an amount equal to the amount of funds to be received by each school district in the county pursuant to sections 3 to 7 of this act. No school district shall take into consideration the amount it will receive under sections 3 to 7 of this act during its fiscal year in determining the property tax it would otherwise levy for that fiscal year and no county official shall notify the school district of the funds it will receive pursuant to sections 3 to 7 of this act until after August 25 of each year.

Sec. 6. The county superintendent of schools shall determine the amount of funds to be received by each school district levying property taxes in the county pro rata according to the enumeration of those children for which the district is obligated to report on the census between the ages of five and eighteen years. The county superintendent shall certify such amounts to the county board and county treasurer by August 25 of each year. The county treasurer shall distribute such amounts to the school districts within one month of receiving each monthly payment from the state pursuant to section 4 of this act.

Sec. 7. In addition to the sales and use tax levied pursuant to section 77-2715.01, there shall be levied an additional one per cent sales and use tax commencing on July 1, 1984. All proceeds from such additional tax shall be deposited in the General Fund.".

2. In the Standing Committee amendments on page 1, line 2, strike "3" and insert "8" and strike "This" and insert "Sections 1, 2, and 9 of this"; in line 3 after the period insert "The remaining sections of this act shall become operative on their effective date."; in line 4 strike "5" and insert "10"; and in line 7 strike "4" and insert "9".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1076 in the Journal. No objections. So ordered.

AM2198

1. Insert new sections as follows:

"Sec. 2. That section 8-905, Revised Statutes Supplement, 1983, be amended to read as follows:

8-905. Notwithstanding any other provisions of law and subject to the provisions of this section, and to the approval of the Director of Banking and Finance, ~~a bank holding company, as defined in the Bank Holding Company Act of 1956, as amended, 12 U.S.C. 1841, et seq. or a subsidiary thereof, with bank subsidiaries whose operations are principally conducted in a state other than Nebraska~~ any bank, as defined in section 4 of this act, may acquire and hold all or substantially all of the voting stock of one ~~a single~~ newly established bank located in this state when and so long as the following conditions are satisfied:

(1) The bank whose stock is to be acquired is a newly established bank that shall be limited to ~~a single~~ one banking office and the bank may not acquire, establish, share, or maintain any additional banking office or remote service unit in this state whether by merger, consolidation, or otherwise, and the services of the bank shall be limited to the solicitation, processing, and matters relating to the making of loans instituted by credit card or other type of transaction

card;

(2) The bank whose stock is to be acquired is limited to accepting deposits only from affiliated banks not domiciled in the State of Nebraska and has or will have on the date of commencement of banking business in this state a minimum capital stock and paid-in surplus of two million five hundred thousand dollars;

(3) The bank whose stock is to be acquired (a) employs on the date of commencement of its banking business in this state or will employ within one year of such date not less than fifty persons in this state in its business or (b) has contracted with a qualifying association to provide for the processing of its credit card operations; and

(4) The bank whose stock is to be acquired is operating in a manner and at a location that is not likely to attract customers from the general public in this state to the substantial detriment of existing banking institutions located in this state, except that the bank to be acquired may be operated in a manner likely to attract and retain customers with whom ~~that~~ such bank, the acquiring bank, ~~the out- of- state holding company, or such holding company's bank~~ or nonbanking subsidiary of the acquiring bank has or has had business relations.

Sec. 3. That section 8-906, Revised Statutes Supplement, 1983, be amended to read as follows:

8-906. (1) Any ~~out- of- state~~ bank, as defined in section 4 of this act, ~~holding company or subsidiary thereof~~ proposing any acquisition pursuant to section 8-905 shall file an application with the Director of Banking and Finance for approval to make the acquisition. The application shall contain such information as the director may by regulation require, and shall specifically acknowledge the applicant's agreement to be bound by the conditions set forth in section 8-905. In addition, the application shall designate a resident of this state as the applicant's agent for the service of any paper, notice, or legal process~~,~~ upon the applicant in connection with the matters arising out of the laws of this state and shall be accompanied by a filing fee in the amount of five thousand dollars for the use of this state.

(2) In determining whether to approve an acquisition by ~~an out- of- state~~ a bank, as defined in

section 4 of this act, ~~holding company or subsidiary thereof~~ of any voting stock of a newly established bank located in this state, the director shall consider: (a) The financial and managerial resources of ~~the out- of- state~~ such bank; ~~holding company or its subsidiary;~~ (b) whether the acquisition may result in undue concentration of resources or substantial lessening of competition; and (c) whether the convenience and benefit to the public outweigh any adverse competitive effects.

(3) Any approval granted to ~~an out- of- state~~ a bank, as defined in section 4 of this act, ~~holding company~~ by the director is subject to such reasonable conditions as the director deems necessary, and to the director's continuing authority to ascertain such bank's ~~the out- of- state bank holding company's~~ compliance with the provisions of the laws of this state and the conditions of approval.

(4) Whenever the director determines, after notice and hearing, that any ~~out- of- state~~ bank, as defined in section 4 of this act, ~~holding company~~ is not in compliance with the laws of this state or the conditions of approval, the director shall order such bank ~~holding company~~ to divest itself of all stock of the bank acquired pursuant to sections 8-905 and 8-906, and such bank ~~holding company~~ shall be liable for a penalty of ten thousand dollars per day from the date such divestiture is ordered until it is completed.

Sec. 4. As used in sections 8- 905 and 8- 906 and this section, unless the context otherwise requires:

(1) Affiliated bank shall mean (a) if the bank is a subsidiary of a state bank or national banking association, the parent bank and (b) if the bank is a subsidiary of a bank holding company, the principal banking subsidiary of the holding company;

(2) Association of banks shall mean two or more banks formed for the purpose of acquiring and holding all or substantially all of the voting stock of one newly established bank pursuant to sections 8- 905 and 8- 906;

(3) Bank or banking corporation shall mean the principal office of (a) any national bank doing business in this state, (b) any corporation which is chartered to conduct a bank in this state as provided in Chapter 8, article 1, (c) any association of banks, (d) a bank

holding company as defined in section 8-902, or (e) a bank holding company as defined in the Bank Holding Company Act of 1956, as amended, 12 U.S.C. 1841, et seq. or a subsidiary thereof, with bank subsidiaries whose operations are principally conducted in a state other than Nebraska; and

(4) Qualifying association shall mean an association, corporation, partnership, or other entity which at all times maintains an office in this state at which it employs at least fifty persons in this state and which pursuant to contract or otherwise, offers at least the following services to banks: (a) The distribution, as agent for a bank, of credit cards or other devices designed and effective to access a prearranged revolving credit plan account with such bank; (b) the preparation of periodic statements of amounts due under such account; (c) the receipt from credit card holders of amounts paid on or with respect to such accounts; and (d) the maintenance of financial records reflecting the status of such accounts from time to time.".

2. On page 2, line 21, strike "section 8-820" and insert "sections 8-820, 8-905, and 8-906"; and in line 22 strike "is" and insert "are".

3. Renumber original section 2 as section 5.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 999. Placed on General File.
LEGISLATIVE BILL 1029. Placed on General File.
LEGISLATIVE BILL 1089. Placed on General File.

LEGISLATIVE BILL 787. Placed on General File as amended.
Standing Committee amendments to LB 787:
AM1933

1. On page 2, strike beginning with "except" in line 10 through the period in line 12, show as stricken, and insert an underscored period; and strike beginning with "The" in line 22 through line 27 and insert "The governing body of any legally operating school in the state may allow any child attending such school pursuant to subsection (1) of this section to stop attending if the child has been temporarily excused by school authorities or has graduated from high school. Any child at sixteen years of age may stop attending

school if, after a meeting of the governing body or its designee, the child, and his or her parent or legal guardian, the parent or legal guardian deems it is in the best educational interests of the child.”.

2. On page 3, strike lines 1 and 2; in line 23 after “after” insert “a” and strike “with” and insert “of the superintendent,”; in line 24 after “child” insert an underscored comma; in line 25 strike beginning with “superintendent” through “that” and insert “parent or legal guardian deems”; and strike beginning with the first “to” in line 26 through “school” in line 27.

(Signed) Tom Vickers, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 275.

Introduced by Newell, 13th District; Higgins, 9th District; Pappas, 42nd District; Labedz, 5th District; Withem, 14th District; Hannibal, 4th District; V. Johnson, 8th District; DeCamp, 40th District.

WHEREAS the Nebraska Legislature, because of financial constraints, only partially funded LB 816A of 1982 and made funding reductions in the Special Session in LB 1 (1982) of two percent (2%) for local governments; and

WHEREAS these reductions in funds reduced the state's previous commitments to provide property tax relief; and

WHEREAS in order to relieve the state's fiscal crisis, it was the intent of the Legislature in 1982 for these reductions in funding commitments to be a one time occurrence; and

WHEREAS this Legislature is on record as establishing and funding those programs that were reduced in funding and recognizes its obligation to restore those funds; and

WHEREAS the financial condition of the state at this time is such that monies cut from local governments can now be replaced.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That this Legislature go on record urging the Appropriations Committee to restore the commitments made to local governments during the 1982 fiscal crisis by replacing revenues lost because of LB 816A and LB 1.

2. That this Legislature go on record to urge the Appropriations Committee to replace the following funds above any other funds that agency or program is deemed necessary by the Committee;

REPLACE SPECIAL SESSION CUTS

State Aid to Education	$2,728,900
Aid to Technical Community Colleges	431,810
Aid to Municipalities	348,340
Aid to Counties	340,000
Aid to NRD's	14,000
	$3,863,050

FULLY FUNDED LB 816A (1982)

State Aid to Education	$3,368,000
Aid to Municipalities	483,000
	$3,851,000

3. That a copy of this resolution be sent to the Appropriations Committee and to the Governor's office.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2152
(Amendments to Standing Committee Amendments)

1. On page 4, line 3, after "mean" insert "(a) for elementary grades, the time equivalent to at least one thousand thirty- two instructional hours and (b) for high school grades,".

2. On page 5, line 22, after "than" insert "(1) one thousand thirty- two instructional hours for elementary grades and (2)"; and in line 23 after "hours" insert "for high school grades".

3. On page 6, line 11, after "of" insert "(a) one thousand thirty- two instructional hours of required school attendance for each elementary school pupil in each school year and (b)"; and in line 13 after the first "each" insert "high school".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 700 and 705.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 700

The following changes, required to be reported for publication in the Journal, have been made:
ER0174
1. In the E & R Amendments, AM5245, on page 1, line 5 "appointed" has been struck and "chosen" inserted.

Enrollment and Review Change to LB 705

The following changes, required to be reported for publication in the Journal, have been made:
ER0175
1. For purposes of correlation with section 1, LB 115:
a. On page 1, line 2; page 2, line 2; and page 3, line 16, ", as amended by section 1, Legislative Bill 115, Eighty-eighth Legislature, Second Session, 1984" has been inserted after "1982"; and
b. On page 2, line 14, "disability and" has been inserted after "for".

(Signed) Mary Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were Leo Schulte from Hartington, Dale Anderson from McCook, Ray Rempe from Milligan, Ron Bergman from Holdrege, Neal Callen from Alliance; Kathy Webster from Bridgeport; Marlene Lux from North Bend and exchange students Camilla Otema from Sweden and Blanca Corronco from Mexico; 20 fourth grade students and teacher from Arnold School, Lincoln; Rev. Marvin Sackschewsky from Valentine; Miss Ardys Dahl from Gering and Mrs. Elaine Hink from Champain; Bob Creitzer, Pete Pallasen, Lyle Juracek from Neleigh and Lyle Kuntorad from Ewing; two groups of people from various parts of the state; and Tami Johnson, Nebr. Junior Miss from Fort Calhoun.

ADJOURNMENT

At 12:15 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Thursday, March 1, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 1, 1984

LEGISLATIVE JOURNAL

THIRTY-SEVENTH DAY - MARCH 1, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 1, 1984

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend Kieth Cook, Presbyterian Church of the Master, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Abboud who was excused; and Messrs. Beutler, Clark, Eret, Haberman, Hannibal, Harris, Hoagland, Jacobson, V. Johnson, Newell, Rupp, Sieck, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Sixth Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 682 in the Journal. No objections. So ordered.

AM2235

1. On page 26, line 12, strike "a direct or indirect", show as stricken, and insert "an".

SPEAKERS ANNOUNCEMENT

The following will be the Speaker's policy for priority bills which fail to advance from General or Select File:

If five or more Senators are excused and a bill fails to advance it will be placed at the bottom of its particular category.

If a bill fails when fewer than five Senators are excused, the bill will be placed at the bottom of the Speaker's Priority Bill list (inclusive of all priority bills advanced to the floor and awaiting first round debate).

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 271.

MOTION - Approve Appointments

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Secretary of State appointment found in the Journal on page 1174: John Wherry - NE Accountability and Disclosure Commission - Gubernatorial Appointments - Dennis Schroeder - State Electrical Board; Gary Chunka - NE Bingo and Pickle Card Regulatory Commission.

Voting in the affirmative, 30:

Barrett
Beyer
Carsten
Chronister
DeCamp
Eret
Fenger
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Johnson, R.
Kahle
Labedz
Landis
Lundy
McDonald
Morehead
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Scofield
Vickers
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 7:

Chambers
Hannibal
Lamb
Marsh
Pappas
Von Minden
Withem

Excused and not voting, 12:

Abboud
Beutler
Clark
Haberman
Harris
Hoagland
Jacobson
Johnson, V.
Kilgarin
Newell
Rupp
Sieck

The appointments were confirmed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 273. Read. Considered.

LR 273 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 274. Read. Considered.

LR 274 was adopted with 36 ayes, 0 nays, and 13 not voting.

MOTION - Return LR 2CA to Select File

Mrs. Pirsch moved to return LR 2CA to Select File for her pending amendment found in the Journal on page 992.

The Pirsch motion to return to Select File prevailed with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 2CA. The Pirsch specific amendment found in the Journal on page 992 was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LR 2CA to Select File

Mr. Chambers moved to retrun LR 2CA to Select File for the following specific amendment:
Page 2, line 11 strike "or confiscated".

Pending.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 591. With Emergency.

A BILL FOR AN ACT relating to penal and correctional facilities; to define terms; to provide powers and duties relating to the final disposition of an untried indictment, information, or complaint as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Barrett Beutler Beyer Carsten Chambers
Chronister Clark Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Jacobson Johnson, L. Johnson, R. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Nichol Pappas
Peterson, R. Pirsch Remmers Rupp Schmit
Scofield Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

DeCamp Peterson, H.

Excused and not voting, 5:

Abboud Hoagland Johnson, V. Newell Sieck

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 723. With Emergency.

A BILL FOR AN ACT relating to medical assistance; to provide for assignment of certain rights; to establish eligibility for assistance; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Barrett Beutler Beyer Carsten Chronister
Clark DeCamp Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Jacobson Johnson, L. Johnson, R. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Schmit
Scofield Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Eret

Excused and not voting, 5:

Abboud Hoagland Johnson, V. Newell Sieck

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 772. With Emergency.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barrett Beutler Beyer Carsten Chambers
Chronister Clark DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Jacobson Johnson, L. Johnson, R.
Kahle Kilgarin Labedz Lamb Landis
Lundy Marsh McDonald Morehead Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud Hoagland Johnson, V. Newell Sieck

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 782 to Select File

Mrs. Higgins moved to return LB 782 to Select File for the following specific amendment:
AM2284
(Amendments to Final Reading Copy)
1. On page 2, line 18, strike "municipality", show as stricken, and insert "entity".

The motion to return prevailed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 782. The Higgins specific amendment, AM2284, found in this day's Journal was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MESSAGES FROM THE GOVERNOR

February 29, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Public Employees Retirement Board, requiring legislative confirmation:

Anne B. Brookes, 1816 C Street, Lincoln, NE 68508 - 477-8116(h) 471-3206(o) Term: 2/21/84 - 1/1/85 Succeeds: Harold Salter, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 29, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the State Foster Care Review Board, requiring legislative confirmation:

Roger Lott, 1400 Manchester Drive, Lincoln, NE 68528 - 474-1577(h) 476-3397(o) Term: 2/29/84 to 7/15/86 Succeeds: Milton Evans, term expired.

Amy Richardson, Rural Route #2, Lexington, NE 68850 - (308)324-5743(h) (308)324-4856(o) Term: 2/29/84 to 7/15/86 Succeeds: Elsie Barrett, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 29, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Board of Public Roads Classifications and Standards, requiring legislative confirmation:

Donald O. Swing, 3324 Woods Avenue, Lincoln, NE 68505 - 474-7259(h) 473-4750(o) Term: 2/29/84 to 11/3/87 Succeeds: is reappointed.

R. Doyle Hansen, Newcastle, NE 68757 - (402)755-2208(o) (402)355-2322(h) Term: 2/29/84 to 11/3/87 Succeeds: is reappointed.

Blase Cupich, 7306 South 36th Street, Omaha, NE 68147 - 339-3225(o) 731-3504(h) Term: 2/29/84 to 11/3/87 Succeeds: Ray Lind, term expired.

Merlin Lindahl, 2424 14th Street, Columbus, NE 68601 - (402)564-0987(h) (402)564-8584(o) Term: 2/29/84 to 11/3/87 Succeeds: Tom Harvett, term expired.

James H. Suttle, Omaha/Douglas Civic Center, 17th and Farnam Street, Omaha, NE 68183 - 444-5227 Term: 2/29/84 to 11/3/87 Succeeds: Richard Erixson, term expired.

Joseph W. McNamara, 700 Grain Exchange Building, 1905 Harney Street, Omaha NE 68102 - (402)346-5410 Term: 2/29/84 to 11/3/87 Succeeds: is reappointed.

Darrel Berg, 704 Box Butte Avenue, Alliance, NE 69301 - (308)762-4132 Term: 2/29/84 to 11/3/87 Succeeds: Vera Christensen, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 29, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Rural Health Manpower Commission, requiring legislative confirmation:

Dr. Judy Butler, Westside Health Services, 254 West 4th, Superior, NE 68978 - (402)879-4856 Term: 2/29/84 - 9/1/86 Succeeds: is reappointed.

Dr. L. C. Potts, 18 Grassland Ridge, Grant, NE 69140 - (308)352-4862(h) (308)352-4711(o) Term: 2/29/84 - 9/1/86 Succeeds: Dr. Dwaine Peetz, term expired.

Dr. Perlita A. Narvaez, 505 East 4th Street, Rushville, NE 69360 - (308)327-2620(h) (308)327-2438(o) Term: 2/29/84 - 9/1/86 Succeeds: Dr. Robert Quick, term expired.

Donna Lamb, 51 North Cedar, Box 224, Red Cloud, NE 68920 - (402)746-2811 Term: 2/29/84 - 9/1/86 Succeeds: Mrs. Ramona Freeman, term expired.

Bill Matthews, P.O. Box 368, Wauneta, NE 69045, (308)394-5404(h) (308)394-5427(o) Term: 2/29/84 - 9/1/86 Succeeds: Wilma Dobesh, term expired.

Linda Mazour, 128 North 40th Street, #7, Omaha, NE 68131 - (402)558-05361 Term: 2/29/84 - to 9/1/86 Succeeds: Todd Voss, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 29, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Advisory Committee to the Departments of Public Institutions, Public Welfare, and Correctional Services, requiring legislative confirmation:

Bernard R. Gyger, 122 South 39th Street, Apt. 904, Omaha, NE 68131 - (402)558-8827 Term: 2/29/84 to 1/1/88 Succeeds: is reappointed.

Ella Ochoa, P.O. Box 1459, North Platte, NE 69103, (308)534-6780 x127(o) (308)534-5024(h) Term: 2/29/84 to 1/1/88 Succeeds: Betty Matz, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 276.

Introduced by Haberman, 44th District.

WHEREAS, the state basketball tournaments are important to high school students who have worked extremely hard in their athletic endeavors, their parents, friends, and all citizens of the State of Nebraska; and

WHEREAS, the Nebraska educational television network has traditionally televised the final basketball game of the tournament for each class represented at the tournaments; and

WHEREAS, the Nebraska educational television network is financed with tax revenue derived from throughout the state; and

WHEREAS, NETV has decided that this year it will not televise the Class D-2 girls final game; and

WHEREAS, this is disappointing and insulting to all tournament participants and followers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby directs the Nebraska Educational Television Commission to take all steps necessary to ensure that (a) all classes represented at this year's tournament have their final games televised or (b) none of the final games be televised.

Laid over.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 852. Placed on General File.

(Signed) Loran Schmit, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 761A. By Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 761, Eighty-eighth Legislature, Second Session, 1984.

LEGISLATIVE BILL 994A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, Eighty-eighth Legislature, Second Session, 1984.

STATEHOOD DAY CEREMONY

Governor Kerrey gave a reading of the Statehood Proclamation. Awards were presented by Speaker Nichol to the following people:

Nancy Foreman, Trailblazer Award; Sam Cornelius, Trailblazer Award; Jim Hartung, Trailblazer Award; Dr. C. Bertrand Schultz, Pioneer Award; Harold Warp, Wagonmaster Award. Also recognized were Betty Abbott, President of the Foundation and Miss Nebraska, Khristan Lowenberg.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 772A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 772, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris

Hefner Higgins Jacobson Johnson, L. Johnson, R.
Johnson, V. Kahle Kilgarin Labedz Lamb
Landis Lundy Marsh McDonald Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Schmit Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Excused and not voting, 2:

Abboud Hoagland

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 591, 723, 772, and 772A.

RESOLUTION

LEGISLATIVE RESOLUTION 275. Read. Considered.

Mr. Newell moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

LR 275 was adopted with 25 ayes, 12 nays, and 12 not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 341 in the Journal. No objections. So ordered.

AM2139

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 79-1340, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

79-1340. Each district shall receive the following additional incentive payments from the School Foundation and Equalization Fund:

(1) ~~Three~~ Six hundred ~~fifty~~ sixteen dollars for each certificated instructor holding a doctorate degree;

(2) ~~Two~~ Four hundred ~~fifty~~ dollars for each certificated instructor having completed an approved six-year college program~~,~~ or holding a master's degree or the equivalent;

(3) One hundred fifty dollars for each certificated instructor holding a bachelor's degree; and

(4) ~~Twenty~~ Eighty cents per student hour for each student participating in a summer school program.

Sec. 2. (1) For fiscal year 1984-85, thirty million dollars shall be distributed to school districts in addition to the amount distributed in fiscal year 1983-84 pursuant to sections 79-1334, 79-1336, and 79-1340. Such additional funds shall be distributed as follows:

(a) Ten million dollars shall be added to the amount that was distributed in fiscal year 1983-84 pursuant to section 79-1334;

(b) The amount needed to fund the provisions of section 79-1340 shall be added to the amount that was distributed in fiscal year 1983-84; and

(c) The balance of such additional funds shall be added to the amount that was distributed in fiscal year 1983-84 pursuant to section 79-1336.

(2) For fiscal year 1985-86, forty million dollars shall be distributed to school districts in addition to the amount distributed in fiscal year 1984-85 pursuant to sections 79-1334 to 79-1339 as follows:

(a) Fifteen million dollars shall be added to the amount that was distributed in fiscal year 1984-85 pursuant to section 79-1334; and

(b) Twenty-five million dollars shall be added to the amount that was distributed in fiscal year 1984-85 pursuant to sections 79-1335 to 79-1339.

(3) For fiscal year 1986-87, fifty million dollars shall be distributed to school districts in addition to the amount distributed in fiscal year 1985-86 pursuant to sections 79-1334 to 79-1339 as

follows:

(a) Twenty million dollars shall be added to the amount distributed in fiscal year 1985-86 pursuant to section 79-1334; and

(b) Thirty million dollars shall be added to the amount distributed in fiscal year 1985-86 pursuant to section 79-1335 to 79-1339.

Sec. 3. That original section 79-1340, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

GENERAL FILE

LEGISLATIVE BILL 695. Title read. Considered.

Mr. Landis asked unanimous consent to withdraw his pending amendment found in the Journal on page 1197. No objections. So ordered.

Mr. Landis and Mrs. Marsh offered the following amendment:

On page 5, line 14, strike "in the performance" and insert "as the result".

On page 5, line 24, strike "including, but not limited to," and insert "such as".

The Landis-Marsh amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1026. Title read. Considered.

Standing Committee amendments, AM2146, found in the Journal on page 1170 for the Thirty-Fifth Day were considered.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:

Striking everything in line 13 starting with the comma, by striking lines 14, 15, 16, 17, 18, and 19, and by adding a period in line 13 after the word "section".

The DeCamp amendment was adopted with 24 ayes, 0 nays, 23 present and not voting, and 2 excused and not voting.

Mr. Warner asked unanimous consent to be excused until he returns.

No objections. So ordered.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

1. Page 1, line 14, after 8-1510 insert "after July 1, 1987"; page 1, line 17, after section delete remainder of lines 17, 18 and 19.
2. Delete DeCamp amendment.

The Beutler amendment was adopted with 24 ayes, 4 nays, 18 present and not voting, and 3 excused and not voting.

The Standing Committee amendments were adopted, as amended, with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 1026

Mr. V. Johnson asked unanimous consent to expedite LB 1026. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM2094

1. On page 8, strike beginning with the comma in line 6 through the comma in line 7 and show as stricken; and strike beginning with the second "as" in line 21 through "in" in line 22, show as stricken, and insert "pursuant to".

Mr. Carsten asked unanimous consent to print the following amendment to LB 835A in the Journal. No objections. So ordered.

On page 2, strike lines 8 through 10 and insert the following:

"Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed $10,000 for the period July 1, 1984 to June 30, 1985, nor $10,000 for the period July 1, 1985 to June 30, 1986."

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 1, 1984, at 11:15 a.m., were the following bills: 591, 723, 772 and 772A.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused this afternoon, Friday, and Monday. No objections. So ordered.

VISITORS

Visitors to the Chamber were fifty-seven students and teachers from Walnut Hill Elementary School, Omaha; fifty-three eighth graders and teachers from Woodriver Rural High School; Mrs. Dorcas Cavett and thirty-six students from UNL's Teacher's College.

RECESS

At 12:20 p.m., on a motion by Speaker Nichol, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:02 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Abboud and Mrs. Marsh who were excused; and Messrs. Beutler, Fenger, Haberman, Harris, V. Johnson, Kahle, Newell, Rupp, Schmit, Von Minden, Mesdames Morehead, and Labedz who were excused until they arrive.

PRESIDENT MCGINLEY PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 273 and LR 274.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 13.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 13

The following changes, required to be reported for publication in the Journal, have been made:
ER0167

1. In the Kilgarin and Beutler amendment, AM1943:

a. On page 1, line 9, "5" has been struck and "V" inserted;

b. On page 2, in lines 18 and 21, the underscoring has been removed from "county"; in line 20 "court" has been struck and "or" inserted, "on the record made, if" has been inserted before "prior" , and ", in the" has been inserted after "1985" ; in line 22 "first" has been struck, "court" has been struck and "or" inserted, and "when" has been struck and "the judgment or final order, if" inserted; in line 23 ", of the" has been inserted after "1985" ; and in line 26 "the" has been inserted before "judgment", ", if entered prior to July 1, 1985," has been inserted after "judgment", and "and after" has been struck;

c. On page 3, line 1, the matter beginning with the first quotation marks through the last quotation marks has been struck; in line 5 "municipal court" has been struck and "the judgment," inserted, and ", in the municipal court" has been inserted after "1985"; in line 11 "effective" has been struck and "operative" inserted, and "act" has been struck and "section" inserted; and in line 25 "municipal court" has been struck and "any judgement," inserted, and ", of a municipal court" has been inserted after "1985";

d. On page 4, line 1, "municipal court" has been struck and "by appeal," inserted; and in line 2 "from a municipal court" has been inserted after "1985,";

e. On page 5, in lines 14 and 15, the underscoring has been removed; and

f. On page 6, line 7, "and insert an underscored comma" has been struck; in line 8 the matter beginning with "beginning" through the last quotation marks has been struck; in line 14 the matter beginning with the second comma through "court" has been struck; in line 19 the matter beginning with the first "strike" through the second comma has been struck; in line 25 "judge" has been struck; and in line 26 "judge" has been struck.

2. In the E & R amendments, AM5201:

a. On page 2, line 12; page 3, line 21; page 5, line 26; page 6, lines 2 and 23; page 9, line 9; and page 11, lines 13 and 19, the first comma has been struck and shown as stricken;

b. On page 6, line 22, "county" has been struck and shown as stricken, and "of the county courts" has been inserted after the second "judges"; in line 25 "county" has been struck and shown as stricken, and "of the county court" has been inserted after "judges"; in line 26 "district county" has been struck and shown as stricken, and "of the county court" has been inserted after the first "judges";

c. On page 9, line 9, an underscored comma has been inserted after "or";

d. On page 10, line 18, "years" has been struck, shown as stricken, and "years'" inserted;

e. On page 11, line 15, the first comma has been struck and shown as stricken;

f. On page 13, line 13, "the first" has been inserted after the second "strike"; and in line 14 the first comma has been struck;

g. On page 14, line 3, "second" has been struck; and in line 9 an underscored comma has been inserted after "9"; and

h. Amendment 17 has been struck.

3. In the Kilgarin and Beutler amendment, AM1586:

a. On page 2, line 10, the comma has been struck and shown as stricken; and

b. On page 5, line 4, the comma has been struck and shown as stricken, and an underscored comma has been inserted after "or".

4. In the Standing Committee amendments, AM1231, amendment 17 has been struck.

5. On page 1, line 3, "24-533," has been inserted after "24-526,".

6. On page 2, line 2, "43-2,124," has been struck; in line 6 "certain" has been inserted after "transfer"; in line 8 "powers and" has been inserted after "provide" and "and redefine" has been inserted after "define"; the matter beginning with "change" in line 12 through "prescribed" in line 14 has been struck and "eliminate the authority of a presiding judge to appoint associate judges" has been inserted; in line 24 the second "and" has been struck; and in line 25 "and 43-2,124," has been inserted after the first comma.

7. On page 4, line 13, the comma has been struck and shown as stricken.

8. On page 5, in lines 6, 10, and 11, the comma has been struck and shown as stricken.

9. On page 11, line 22, the last comma has been struck; and in lines 23 and 24 the comma has been struck.

10. On page 16, line 25, the first comma has been struck and shown as stricken; and in line 26 the comma has been struck and shown as stricken.

11. On page 17, lines 5 and 9, the comma has been struck and shown

as stricken.

12. On page 21, lines 16 and 23, the comma has been struck and shown as stricken.

13. On page 22, line 1, the comma has been struck and shown as stricken.

14. On page 24, line 18, the first comma has been struck and shown as stricken; and in lines 22 and 27 the comma has been struck and shown as stricken.

15. On page 26, lines 20, 24, and 27, the comma has been struck and shown as stricken; and in line 25 the first comma has been struck and shown as stricken.

16. On page 27, line 1, after "jury" an underscored comma has been inserted; in lines 5, 17, and 21, the comma has been struck and shown as stricken; and in line 19 the semicolon has been struck and shown as stricken and an underscored comma has been inserted after the second "and".

17. On page 28, line 25, the comma has been struck and shown as stricken.

18. On page 29, line 10, the comma has been struck.

19. On page 37, line 19; page 48, line 22; and page 51, line 24, "said" has been struck, shown as stricken, and "the" inserted.

20. On page 38, line 4, the comma has been struck and shown as stricken.

21. On page 39, lines 2 and 3, the comma has been struck and shown as stricken.

22. On page 43, lines 1 and 2, the comma has been struck and shown as stricken; in line 6 the first comma has been struck and shown as stricken; and in line 7 the second comma has been struck and shown as stricken.

23. On page 44, line 25, the comma has been struck, shown as stricken, and "or" inserted; and in line 26 the comma has been struck and shown as stricken.

24. On page 45, line 10, the semicolon has been struck, shown as stricken, and ", except that" inserted; in line 11 "PROVIDED," has been struck and shown as stricken; in line 16 "; AND PROVIDED" has been struck, shown as stricken, and ". The" inserted; and in line 17 "FURTHER, the" has been struck and shown as stricken.

25. On page 47, line 4, both commas have been struck and shown as stricken; and in line 27 the comma has been struck and shown as stricken.

26. On page 48, lines 1, 3, 9, and 10, the comma has been struck and shown as stricken.

27. On page 50, line 10, the comma has been struck and shown as stricken.

28. On page 51, lines 8 and 13, the comma has been struck and shown

as stricken.

29. On page 53, line 6, the comma has been struck and shown as stricken; in line 11 the second comma has been struck and shown as stricken; in line 21 "; PROVIDED, that the" has been struck, shown as stricken, and ". The" inserted; and in line 24 the semicolon has been struck and shown as stricken.

30. On page 54, lines 3, 6, and 19, the comma has been struck and shown as stricken; in line 10 the semicolon has been struck and shown as stricken; and in line 18 the first comma has been struck and shown as stricken.

31. On page 55, line 7, "is" has been inserted after "action"; in line 14 the comma has been struck and shown as stricken; and in line 19 "him or her" has been struck, the old matter shown as stricken, and "the court" inserted.

32. On page 58, line 18, the comma has been struck and shown as stricken.

33. On page 60, line 15, the comma has been struck and shown as stricken.

34. On page 61, line 8, the comma has been struck.

35. On page 66, line 17, the comma has been struck and shown as stricken.

36. On page 70, line 1, "he or she" has been struck, the old matter shown as stricken, and "an attorney" inserted; in lines 16 and 21 the semicolon has been struck and shown as stricken; in line 20, the third comma has been struck and shown as stricken; and in line 24 the comma has been struck and shown as stricken.

37. On page 74, line 12, the comma has been struck and shown as stricken.

38. On page 75, line 10, the semicolon has been struck, shown as stricken, and an underscored comma has been inserted; in lines 12 and 18 "; PROVIDED," has been struck, shown as stricken, and ", except" inserted; in line 14 an underscored comma has been inserted after "advisable".

39. On page 76, line 1, the comma has been struck and shown as stricken.

40. On page 77, line 1, "said" has been struck and shown as stricken; and in line 25 the comma has been struck and shown as stricken.

41. On page 78, line 18, the third "or" has been struck and shown as stricken; and in line 27 "or" has been inserted after the semicolon.

42. On page 79, line 3, the semicolon has been struck and shown as stricken; and in line 25 the comma has been struck and shown as stricken.

43. On page 80, line 6, the comma has been struck and shown as stricken.

44. On page 86, line 13, "; PROVIDED, copies" has been struck,

shown as stricken, and ". Copies" inserted.

45. On page 87, line 25, an underscored comma has been inserted after "tenements"; and in line 27 "county" has been struck and shown as stricken and "of the county court" has been inserted after "judge".

46. On page 91, line 2, "said" has been struck, shown as stricken, and "such" inserted.

47. On page 93, line 4, "43-2,124," has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 994. Title Read. Considered.

Standing Committee amendments, AM2088, printed separate from the Journal and referred to on page 1111 were considered.

Mr. Vickers renewed his pending amendment to the Standing Committee amendment in the Journal on page 1175.

The Vickers amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Eret renewed his pending amendment, AM2132, to the Standing Committee amendments found in the Journal on page 1155.

The Eret amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. R. Johnson renewed his pending amendment to the Standing Committee amendments found in the Journal on page 1192.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to withdraw his pending amendment found in the Journal on page 1192.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 652. Placed on Select File as amended.
E & R amendments to LB 652:

AM5321

1. In lieu of the Withem amendment adopted February 24, 1984, in the Standing Committee amendments, AM1743, on page 8, line 2, strike "not" and insert "also"; and in line 4 strike "unless" and insert "on the condition that".

2. In the Standing Committee amendments, AM1743, adopted February 24, 1984:

a. On page 1, line 16, strike "shall file", show as stricken, and insert "files"; and in line 23 strike "shall," and show stricken, strike the second comma and show as stricken, and strike "find", show as stricken, and insert "finds";

b. On page 2, line 1, strike "determine", show as stricken, and insert "determines"; in line 2 strike "authorize", show as stricken, and insert "authorizes"; in line 4 strike "approve", show as stricken and insert "approves"; in line 9 strike "sections 21-2301 to 21-2318", show as stricken, and insert "the Nebraska Industrial Development Corporation Act"; in lines 10 and 12 strike "shall have" show as stricken, and insert "has"; and in line 26 strike the comma and show as stricken;

c. On page 3, line 7, strike "shall", show as stricken, and insert "is"; in line 8 strike "be" and show as stricken, and strike "sections 21-2301 to 21-2318", show as stricken, and insert "the Nebraska Industrial Development Corporation Act"; in line 23 strike the comma and show as stricken; and in line 25 strike the comma, show as stricken, and insert "and", and strike "in such application" and show as stricken;

d. On page 4, line 1, strike "shall" and show as stricken; in line 2 strike "find", show as stricken, and insert "finds", and strike "determine", show as stricken, and insert "determines"; in line 4 strike "authorize", show as stricken, and insert "authorizes"; in line 5 strike "approve", show as stricken, and insert "approves"; and in line 24 strike "sections 21-2301 to 21-2318", show as stricken, and insert "the Nebraska Industrial Development Corporation Act";

e. On page 5, in lines 11 and 12, strike "sections 21-2301 to 21-2318", show as stricken, and insert "the Nebraska Industrial Development Corporation Act";

f. On page 6, line 16, strike "shall" and show as stricken; and in line 17 strike “find”, show as stricken, and insert “finds”;

g. On page 7, line 2, strike “shall deem”, show as stricken, and insert “deems”; and in line 22 after “the” insert “county”, and strike “of county commissioners” and show as stricken;

h. On page 8, line 20, strike the first comma and show as stricken;

i. On page 9, line 9, strike “shall determine”, show as stricken, and insert “determines”; and in line 20 strike “shall” and show as stricken, and strike “determine”, show as stricken, and insert “determines”;

j. On page 10, line 16, strike the second comma; and in lines 21 and 22, and line 26 strike beginning with “provisions” through “21-2318”, show as stricken, and insert “Nebraska Industrial Development Corporation Act”; and

k. On page 11, line 4, strike “sections 21-2301 to 21-2318”, show as stricken, and insert “the Nebraska Industrial Development Corporation Act”; and in line 7 after the third comma insert “21-2316,”.

3. On page 1, line 2, strike “and”; in line 3 strike “21-2302” and insert “to 21-2304, 21-2306, 21-2308, 21-2312 to 21-2314, 21-2316, and 21-2317”; in line 4 after “1943” insert “, and section 21-2307, Revised Statutes Supplement, 1982”; in line 6 after the first semicolon insert “to change citations; to harmonize provisions; and”, and strike “; and”; and in line 7 strike “to declare an emergency”.

4. On page 2, strike beginning with “sections” in line 3 through “21-2318” in line 4, show as stricken, and insert “the Nebraska Industrial Development Corporation Act”; strike beginning with “provisions” in line 6 through “21-2318” in line 7, show as stricken, and insert “Nebraska Industrial Development Corporation Act”; and in lines 11, 21, 22, and 23 strike the comma and show as stricken.

5. On page 4, strike beginning with “Sections” in line 3 through “21-2318” in line 4, show as stricken, and insert “The Nebraska Industrial Development Corporation Act”.

6. Insert the following new section:

“Sec. 11. That section 21-2316, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

21-2316. ~~Sections 21- 2301 to 21- 2318~~ The Nebraska Industrial Development Corporation Act shall not be construed as a restriction or limitation upon any powers which the corporation might otherwise have under any laws of this state, but shall be construed as cumulative of any such powers. No proceedings, notice, or approval shall be required for the organization of the corporation or the issuance of any bonds or any instrument as security therefor, except as is provided in ~~sections 21- 2301 to 21- 2318~~ the act, any other law to the contrary notwithstanding, but nothing in ~~sections 21- 2301 to 21- 2318~~ the act shall be construed to deprive the state and its governmental subdivisions of their respective police powers over any properties of the corporation~~,~~ or to impair any power thereover of any official or agency of the state and its governmental subdivisions which may be otherwise provided by law.".

7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 679. Placed on Select File as amended.
E & R amendments to LB 679:
AM5317

1. On page 1, line 7, strike "certain"; and in line 9 after the second semicolon insert "to eliminate certain provisions relating to a tax register of mortgages; to change certain fee provisions;".

2. On page 3, line 27, strike the comma and show as stricken.

3. On page 4, lines 1, 2, 8, 15, 16, and 20, strike all commas and show as stricken.

4. On page 6, line 7, strike the first and second commas and show as stricken; in lines 9, 20, and 21 strike the comma and show as stricken; and in line 23 strike the first comma and show as stricken.

5. On page 7, lines 3 and 10, strike the comma and show as stricken; in line 8 after "office" insert ". If such index is in book form" and reinstate the comma; and in line 9 strike the new matter.

6. On page 8, line 8, strike "; and after", show as stricken, and insert ". After"; in line 9 strike "shall have", show as stricken, and insert "has"; in line 17 strike "; in", show as stricken, and insert ". In", and strike "which", show as stricken, and

insert “the”; and in lines 18 and 19 strike the first comma and show as stricken.

7. On page 9, line 13, strike “and, if he or she uses” and insert “. If”; and in line 14 after “recording” insert “is used”.

8. On page 10, line 13, strike the commas and show as stricken; and in line 15 strike “and” and show as stricken.

9. On page 11, line 2, strike the comma and show as stricken; and in line 20 after “statement” insert an underscored comma.

10. On page 12, lines 5, 6, and 23, strike the comma and show as stricken; and in line 7 strike “; and in”, show as stricken, and insert “. In”; and in line 15 strike “in which”, show as stricken, and insert “where”.

11. On page 13, lines 5, 15, and 17, strike the comma and show the old matter as stricken.

12. On page 14, lines 1 and 12, strike the comma and show as stricken.

13. On page 15, lines 15 and 18, strike all of the commas and show as stricken; and in line 21 strike the first comma, show as stricken, and insert “and”, and strike “and” and show as stricken.

14. On page 17, lines 5 and 12 strike the second comma and show as stricken; and in line 11 strike “; and at”, show as stricken, and insert “. At”.

15. On page 18, line 7, strike the first two commas and show the old matter as stricken; in lines 11 and 12 strike all the commas and show as stricken; and in line 16 strike the last two commas and show as stricken.

LEGISLATIVE BILL 660. Placed on Select File as amended.
E & R amendments to LB 660:
AM5319

1. On page 2, line 5, strike “where”, show as stricken, and insert “when”; in line 15 strike the comma and show as stricken.

2. On page 3, line 18, strike the comma; and in lines 20, 26, and 27, strike the comma and show as stricken.

3. On page 4, line 3, after “sessions” insert an underscored comma; in line 10 strike “and” and show as stricken, and strike “together with”, show as

stricken, and insert “and”; and in lines 22 and 23 strike the comma and show as stricken.

LEGISLATIVE BILL 956. Placed on Select File as amended.
E & R amendment to LB 956:
AM5318

1. On page 1, line 6, strike “and” and insert “to provide an operative date;” and after “sections” insert “; and to declare an emergency”.

LEGISLATIVE BILL 824. Placed on Select File as amended.
E & R amendments to LB 824:
AM5313

1. On page 1, strike beginning with “the” in line 4 through “receivable” in line 5 and insert “certain business practices”.
2. On page 2, line 7, strike the comma and show as stricken; in line 18 strike the second comma; and in line 24 after “in” insert “the”.
3. On page 3, line 8, strike “it” and insert “the purchaser” and strike “its”.
4. In the Standing Committee amendments, AM1817, adopted February 24, 1984, on page 1, line 7, strike the comma.

LEGISLATIVE BILL 991. Placed on Select File as amended.
E & R amendments to LB 991:
AM5314

1. On page 3, line 12, strike the second comma and show as stricken; move the new matter in lines 18 and 19 to follow “mean” in line 19; and in line 22 strike “mean”.
2. On page 4, line 13, strike the third comma and show as stricken.
3. On page 6, line 9, strike “shall determine”, show as stricken, and insert “determines”; in lines 16, 17, and 24, strike the last comma and show as stricken; and in line 25 strike “fund” and show as stricken.
4. On page 7, line 2, strike the second comma and show as stricken; and in line 3 strike the comma and show as stricken.

LEGISLATIVE BILL 991A. Placed on Select File as amended.
E & R amendment to LB 991A:
AM5315

1. On page 2, lines 3 and 5, after "Utilization" insert a comma.

LEGISLATIVE BILL 1007. Placed on Select File as amended.
E & R amendments to LB 1007:
AM5320

1. On page 6, line 8, strike "and" and show as stricken; and in line 26 strike "and", show as stricken, and insert "upon".

2. On page 7, line 4, strike the comma and show as stricken; in line 9 strike "must", show as stricken, and insert "shall"; and in line 26 strike the comma.

3. On page 8, lines 10 and 25, strike the comma and show as stricken.

4. In the Standing Committee amendments, AM1816, adopted February 24, 1984, on page 1, line 6, strike "must" and insert "shall".

LEGISLATIVE BILL 672. Placed on Select File as amended.
E & R amendment to LB 672:
AM5316

1. On page 2, lines 4, 19, and 21, strike all of the commas and show as stricken; in line 15 strike "shall continue", show as stricken, and insert "continues"; and in line 18 strike "shall" and show as stricken.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 774 in the Journal. No objections. So ordered.

1. Amend the DeCamp amendment found on page 538 of the Journal.

2. On page 2, strike beginning with "the" in line 3 through "are" in line 4 and insert "such institution is qualified and"; and after line 13 insert a new paragraph as follows:

"The state or any political subdivision may upon a reasonable written request to any such depository institution, receive from such depository institution profit and loss statements, as of the end of the year for each of the preceding three years. No funds shall be deposited unless, as of the date of publication of its last quarterly report, the depository institution meets the minimum capital requirements of the

State or Federal government agency having jurisdiction over the institution.

Messrs. Goodrich and Vickers asked unanimous consent to print the following amendment to LB 341 in the Journal. No objections. So ordered.

AM1926

1. Insert the following new section:

“Sec. 3. That section 79-1333, Revised Statutes Supplement, 1983, be amended to read as follows:

79-1333. (1) Commencing with school year 1980-81 all state financial assistance to districts pursuant to sections 79-1330 to 79-1344 shall be based upon the annual financial reports for the 1978-79 school year of such districts as required by section 79-451 and the fall school district membership report for the 1979-80 school year required by section 79-1333.02. Financial assistance for the 1981-82 school year and each school year thereafter shall be based upon the second preceding school year’s annual financial report and the preceding school year’s fall school district membership report. The State Department of Education shall determine the amount to be distributed to the various school districts and certify such amounts to the Director of Administrative Services. Each amount shall be distributed (a) ~~for fiscal year 1982- 83 in nine as nearly as possible equal monthly payments, beginning in October 1982, for the continuation of the ninety- five million dollars appropriated for state aid, (b) for fiscal year 1982- 83 in seven as nearly as possible equal monthly payments beginning in December 1982, for any additional amounts appropriated by Legislative Bill 816A, Eighty- seventh Legislature, Second Session, 1982, and (c)~~ for fiscal year 1983-84 ~~and each fiscal year thereafter~~ in nine as nearly as possible equal monthly payments on the last business day of each month, beginning in October 1983, ~~and each October thereafter,~~ except that a school district may apply for early payment as provided in subsection (2) of this section and (b) for fiscal year 1984- 85 and all succeeding fiscal years in ten monthly payments with the first payment equal to twenty- five per cent of the district’s total entitlement followed by nine as nearly as possible equal monthly payments, beginning in September 1984, and each September thereafter, except that a school district may apply for early payment as provided in subsection (2) of this section. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall on ~~the last business~~ or before the twentieth day of each month draw warrants against funds appropriated. The annual financial reports shall be submitted to the State Board of Education by Class I and II school districts on or before the first day of October of each year, and by Class III, IV, V, and VI school districts on or before the first day of November of each year. When any Class I or II school district fails to submit its report by the first day of October, any state assistance granted pursuant to sections 79-1330 to 79-1344 shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the first day of November, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 for that year. When any Class III, IV, V, or VI school district fails to submit its report by the first day of November any state assistance granted pursuant to sections 79-1330 to 79-1344 shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the fifteenth day of November, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 for that year.

(2) A school district which receives federal funds in excess of twenty-five per cent of its current operations budget may apply for early payment of state financial assistance paid pursuant to sections 79-1330 to 79-1344 when such federal funds are not received in a timely manner. Such application may be made at any time by a school district suffering such financial hardship and may be for any amount up to fifty per cent of the remaining amount to which the district is entitled during the current fiscal year. The State Board of Education may grant the entire amount applied for or any portion of such amount if, after a hearing, the board finds that a financial hardship exists in the district. The board shall notify the Director of Administrative

Services of the amount of funds to be paid in lump sum and the new reduced amount of the monthly payments. The Director of Administrative Services shall, within five days after such notification, draw a warrant for the lump-sum amount from appropriated funds and forward such warrant to the district. As used in this subsection, financial hardship shall mean a situation in which income to a district is exceeded by liabilities to such a degree that if early payment is not received it will be necessary for the district to discontinue vital services or functions.".

2. On page 3, line 7, strike "is" and insert "and section 79-1333, Revised Statutes Supplement, 1983, are".

3. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 994. Mr. Remmers renewed his pending amendment, AM2152, found in the Journal on page 1204.

The Remmers amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Von Minden asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell offered the following amendment:
AM2138

1. On page 17, line 6, after the period insert "In addition, such candidates for entry-level teacher certificates shall have received a satisfactory score or rating on a subject matter examination as designated by the State Board of Education for each area for which endorsement is sought."; and strike lines 17 to 26.

2. On page 18, strike lines 1 to 26.

3. On page 19, strike lines 1 to 26.

4. On page 20, strike lines 1 to 24; and in line 25 strike "(4)" and insert "(3)".

5. On page 21, line 4, strike "(5)" and insert "(4)".

6. On page 22, line 1, strike "(6)" and insert "(5)"; and in line 21 strike "(7)" and insert "(6)".

7. On page 23, line 15, strike “(6)” and insert “(5)”; in line 16 strike “(8)” and insert “(7)”; in line 21 strike “(7)” and insert “(6)”; and in line 26 strike “(9)” and insert “(8)”.

8. On page 29, line 1, strike “Three”, show as stricken, and insert “Six” and strike “fifty”, show as stricken, and insert “sixteen”; and in line 3 strike “Two”, show as stricken, and insert “Four” and strike “fifty” and show as stricken; and in line 9 strike “Twenty”, show as stricken, and insert “Eighty”.

9. Strike section 15 and insert the following new section:

“Sec. 15. (1) For fiscal year 1984-85, thirty million dollars shall be distributed to school districts in addition to the amount distributed in fiscal year 1983-84 pursuant to sections 79-1334, 79-1336, and 79-1340. Such additional funds shall be distributed as follows:

(a) Ten million dollars shall be added to the amount that was distributed in fiscal year 1983-84 pursuant to section 79-1334;

(b) The amount needed to fund the provisions of section 79-1340 shall be added to the amount that was distributed in fiscal year 1983-84; and

(c) The balance of such additional funds shall be added to the amount that was distributed in fiscal year 1983-84 pursuant to section 79-1336.

(2) For fiscal year 1985-86, forty million dollars shall be distributed to school districts in addition to the amount distributed in fiscal year 1984-85 pursuant to sections 79-1334 to 79-1339 as follows:

(a) Fifteen million dollars shall be added to the amount that was distributed in fiscal year 1984-85 pursuant to section 79-1334; and

(b) Twenty-five million dollars shall be added to the amount that was distributed in fiscal year 1984-85 pursuant to sections 79-1335 to 79-1339.

(3) For fiscal year 1986-87, fifty million dollars shall be distributed to school districts in addition to the amount distributed in fiscal year 1985-86 pursuant to sections 79-1334 to 79-1339 as follows:

(a) Twenty million dollars shall be added to the amount distributed in fiscal year 1985-86 pursuant to section 79-1334; and (b) Thirty million dollars shall be added to the amount distributed in fiscal year 1985-86 pursuant to sections 79-1335 to 79-1339.".

Mr. Newell moved for a Call of the House. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Carsten DeCamp Haberman Johnson, V. Lamb
Newell Pappas Pirsch Remmers

Voting in the negative, 30:

Barrett Beyer Clark Eret Fenger
Goll Goodrich Hannibal Harris Higgins
Hoagland Jacobson Johnson, L. Kahle Kilgarin
Labedz Landis Lundy McDonald Morehead
Nichol Peterson, H. Rupp Schmit Scofield
Vickers Wagner Warner Wesely Withem

Present and not voting, 6:

Beutler Chambers Chronister Hefner Peterson, R.
Sieck

Absent and not voting, 1:

Johnson, R.

Excused and not voting, 3:

Abboud Marsh Von Minden

The Newell amendment lost with 9 ayes, 30 nays, 6 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Hannibal asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb offered the following amendment to the Standing Committee amendments:
AM2127
(Amendments to the Standing Committee Amendments)

1. On page 4, line 5, after "hours" insert "or at least one hundred seventy-five days".

2. On page 5, line 21, after "term" insert "of the school year shall be determined by the school board or governing body of a private, denominational, or parochial school. The term"; in line 22 reinstate the stricken matter and after the reinstated "days" insert "or one"; and strike beginning with "in" in line 23 through "school" in line 24 and show the old matter as stricken.

3. On page 6, line 12, after "hours" insert "or one" and reinstate the stricken matter.

Mr. Lamb moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Lamb amendment was adopted with 24 ayes, 16 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Lamb offered the following amendment to the Standing Committee amendments:
AM2185
(Amendments to the Standing Committee Amendments)

1. On page 22, strike beginning with "the" in line 1 through "and" in line 3; in line 3 after "Education" insert "with the counsel of the advisory committee"; and in line 13 after "program" insert "which take into consideration the size and geographical location of schools and the special needs of schools located in sparsely populated areas".

The Lamb amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Lamb offered the following amendment to the Standing Committee amendments:
AM2129
(Amendments to the Standing Committee Amendments)

1. On page 22, line 23, strike "develop and" and insert "provide advice and counsel to" and strike "shall adopt" and insert "regarding".

2. On page 23, line 1, strike "Such standards" and insert "The State Board of Education shall adopt such standards which".

The Lamb amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Lamb offered the following amendment to the Standing Committee amendments:
AM2130
(Amendments to the Standing Committee Amendments)

1. On page 24, line 10, strike "shall" and insert "may".

The Lamb amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Lamb offered the following amendment to the Standing Committee amendments:
AM2184
(Amendments to the Standing Committee Amendments)

1. Strike section 15 and insert the following new section:

"Sec. 15. For fiscal year 1984-85, and each fiscal year thereafter, an additional twenty million dollars shall be paid to school districts pursuant to section 79-1334 for the purpose of increasing the salaries of teachers in the public schools of the state.".

2. On page 39, line 21, strike "section 15 of this act,"; and in line 22 strike the second comma.

Mr. Lamb requested a roll call vote on his amendment:

Voting in the affirmative, 23:

Barrett Beyer Carsten Chronister Clark
Fenger Haberman Hefner Jacobson Johnson, L.
Kahle Lamb Newell Nichol Peterson, H.
Peterson, R. Pirsch Remmers Rupp Schmit
Sieck Von Minden Wagner

Voting in the negative, 23:

Beutler Chambers DeCamp Eret Goll
Goodrich Harris Higgins Hoagland Johnson, R.
Johnson, V. Kilgarin Labedz Landis Lundy
McDonald Morehead Pappas Scofield Vickers
Warner Wesely Withem

Excused and not voting, 3:

Abboud Hannibal Marsh

The Lamb amendment lost with 23 ayes, 23 nays, and 3 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 1015. Placed on General File.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1026. Placed on Select File as amended.
E & R amendments to LB 1026:
AM5322

1. In the Beutler amendment adopted March 1, 1984, underscore "after July 1, 1987" and after "1987" insert an underscored comma.

2. In the Standing Committee amendments, AM2146, adopted March 1, 1984, on page 1, line 17, after "section" insert an underscored period.

3. On page 1, strike beginning with "for" in line 4 through "and" in line 5 and insert a semicolon; and in line 6 after "sections" insert "; and to declare an emergency".

4. On page 2, lines 8, 9, and 18, strike the comma and show as stricken.

5. On page 3, line 24, after "loans" insert an underscored comma.

6. On page 8, lines 15 and 19, strike the comma and show as stricken.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Remmers asked unanimous consent to have his name added as co-introducer to LB 744. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 1, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 772 and 772A were received in my office on March 1, 1984.

These bills were signed by me on March 1, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 341 in the Journal. No objections. So ordered.

AM2199

1. Strike the original sections and all amendments thereto and insert the following new sections:

“Section 1. The Legislature recognizes the close relationship between the level of state aid to public schools and local property taxes. The Legislature further recognizes that it has a constitutional obligation to provide for free instruction through the public schools of the state. It is the intent in this act to establish a formula for funding equalization aid to school districts, as prescribed in sections 79-1335 to 79-1339, which will recognize the relationship between local property tax levies for school operations and the level of state aid. It is also the intent of this act to increase state support for schools over a period of years so that all sources of state aid, when added to a required minimum local taxing effort, equal the state wide average per pupil cost.

Sec. 2. That section 79-1332, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1332. There is hereby established in the state treasury a special fund to be known as the School Foundation and Equalization Fund. ~~Such fund shall consist of such sums as the Legislature may appropriate, and shall be administered by the State Board of Education.~~ It is the intent of the Legislature that such fund shall consist of, when added to the total of all other sources of state support to public schools, an amount equal to: (1) For fiscal year 1984- 85, thirty per cent of the estimated operating costs of public schools; (2) for fiscal year 1985- 86, thirty- three per cent of the estimated operating costs of public schools; (3) for fiscal year 1986- 87, thirty- six per cent of the estimated operating costs of public schools; (4) for fiscal year 1987- 88, thirty- nine per cent of the estimated operating costs of public schools; (5) for fiscal year 1988- 89, forty- two per cent of the estimated operating costs of public schools; and (6) for fiscal year 1989- 90, and each subsequent fiscal year, forty- five per cent of the estimated operating costs of the public schools. Any money in the School Foundation and Equalization Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to ~~72- 1259~~ 72- 1269.

Sec. 3. That section 79-1333.01, Revised Statutes Supplement, 1982, be amended to read as follows:

79-1333.01. When the membership of a district as reported in the preceding school year's fall school district membership report increases one half of one per cent or more above the membership of the year prior to the preceding year on the corresponding date, as reported on the fall school district membership report for the year prior to the preceding year; the total financial support pursuant to section 79-1336 shall be increased by the percentage of increase up to a maximum of one hundred per cent of the student membership over the previous year. When the membership of a district as reported in the preceding school year's fall school district membership report is less than the fall school district membership report of the year prior to the preceding school year by more than two per cent, the total financial support pursuant to section 79-1336 shall be increased by the difference between two per cent and the per cent of decrease up to a maximum of one hundred per cent of the student membership of the preceding year over the year prior to the preceding year. After fiscal year 1985-86, the total financial support provided by section 79-1336 shall not be increased for any one year by more than five per cent.

Sec. 4. That section 79-1335, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1335. (1) To be eligible for aid, except for foundation aid under the provisions of section 79-1334~~,~~ and incentive payments under section 79-1340, from the School Foundation and Equalization Fund each district shall have levied, in the manner prescribed by law, a tax on the valuation of all taxable property within the district for the preceding year, except intangible property, as follows: ~~(1)~~ (a) For Class I districts, ~~not less than eight mills and commencing January 1, 1981,~~ not less than twenty-eight cents; ~~(2)~~ (b) for Class II, III, IV, and V districts, ~~not less than twelve mills and commencing January 1, 1981,~~ not less than forty-two cents; and ~~(3)~~ (c) for Class VI districts, ~~not less than eight mills and commencing January 1, 1981,~~ not less than twenty-eight cents.

(2) Commencing fiscal year 1985-86 the minimum qualifying levy for Class I and Class VI school districts shall be thirty-three cents per hundred dollars of actual valuation for school operations and for Class II, III, IV, and V school districts, such levy shall be fifty cents per hundred dollars of actual valuation for school operations. Commencing fiscal year 1986-87, the minimum qualifying levy for Class I and Class VI school districts shall be thirty-nine cents per hundred dollars of actual valuation for school operations and for Class II, III, IV, and V school districts, such levy shall be sixty cents per hundred dollars of actual valuation for school operations. Commencing fiscal year 1987-88, the minimum qualifying levy for Class I districts and Class VI districts shall be forty-six cents per hundred dollars of actual valuation for school operations and for Class II, III, IV, and V school districts, such levy shall be seventy-two cents per hundred dollars of actual valuation for school operations. Commencing in fiscal year 1988-89, the minimum qualifying levy for Class I and Class VI school districts shall be fifty-five cents

per hundred dollars of actual valuation for school operations. Commencing in fiscal year 1989- 90, and each subsequent fiscal year, the minimum qualifying levy for Class I and Class VI districts shall be sixty- six cents per hundred dollars of actual valuation for school operations and for Class II, III, IV, and V school districts shall be one dollar and three cents per hundred dollars of actual valuation for school operations.

(3)(a) Commencing in fiscal year 1984- 85, the maximum levy which any school district may levy for school operations shall be no more than two dollars per hundred dollars of actual valuation.

(b) Commencing in fiscal year 1985- 86, the maximum levy specified in subdivision (a) of this subsection shall be increased or decreased by multiplying such levy by the percentage derived by dividing the immediately preceding year's percentage of state support for public schools by the current year's percentage of state support for public schools as prescribed in section 2 of this act. The maximum levy for each subsequent fiscal year shall be computed in the same manner using the immediately preceding year's maximum levy as a basis for the application for the adjustment prescribed in this subdivision.

(c) School districts may annually exceed such maximum levy if, at a general election or a special election called for such purpose, the qualified voters of the district vote to exceed the maximum levy. Elections held pursuant to this subdivision shall comply with the provisions of Chapter 32, article 4.

Sec. 5. In fiscal year 1984- 85 an additional fifty million dollars shall be added to the School Foundation and Equalization Fund. The additional funds shall be allocated as follows:

(1) Fifteen million dollars to be paid to school districts according to the provisions of section 79- 1334; and

(2) Thirty- five million dollars to be paid to school districts according to the provisions of sections 79- 1335 to 79- 1339.

Sec. 6. That original sections 79-1332 and 79-1335, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1982, are repealed.".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

Amendment to LB 994 (Amendment to AM# 2088)

1. Page 22, strike beginning with "Such" in line 13 through "program." in line 20 and insert: Such rules and regulations shall include, but not be limited to, the following: (a) Each beginning teacher shall complete at least one year but no more than two years in the entry-year assistance program; (b) Each school district which employs a beginning teacher shall establish entry-year assistance programs, which committees shall be composed of an administrator, an experienced classroom teacher, and an individual from outside the school district who shall serve as the instructional resource person. In establishing the committee school districts may draw upon persons from outside the district to serve as committee members with at least one committee member being from outside the school district. (c) Participation in the entry-year assistance committees established in subdivision (b) of this subsection by an experienced classroom teacher shall be voluntary and each teacher participating shall be compensated for his or her services. The Legislature shall annually appropriate an amount necessary to reimburse each school district for the cost of maintaining such committees. Each school district shall be eligible to receive up to seven hundred fifty dollars for each teacher participating in an entry-year assistance program. Any experienced classroom teacher shall receive at least four hundred dollars of such amount to be paid directly to such teacher as a stipend from the state. Stipends paid to any teacher pursuant to this subsection shall not be considered salary compensation provided by the school district. Such stipends shall be subject to a withholding tax and shall be considered salary for teacher retirement purposes. (d) Entry-year assistance committees shall recommend approval or denial of permanent certification for each beginning teacher participating in the entry-year assistance program. Such recommendations shall be based on criteria established by the State Board of Education. Any teacher who shall be denied permanent certification shall have a right to appeal the decision to the Commissioner of Education.

GENERAL FILE

LEGISLATIVE BILL 994. Mr. Haberman offered the following amendment to the Standing Committee amendments:

Page 15 line 4 after courses add which shall include Vocational Education Courses

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

The Haberman amendment was adopted with 22 ayes, 8 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Hefner offered the following amendment to the Standing Committee amendments:
AM2168
(Amendments to the Standing Committee Amendments)

1. On page 15, line 6, strike "may" and insert "shall" and strike "recommended"; and in line 7 after "guidelines" insert "which shall be based upon composite test scores achieved by students on a nationally standardized achievement test chosen by the State Board of Education. A student shall have achieved a satisfactory score for graduation from an approved Nebraska high school if such composite score is equal to or greater than the national average score for the ninth grade on such test.".

Messrs. Schmit, Chronister and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Scofield moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hefner amendment lost with 11 ayes, 19 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Remmers offered the following amendment to the Standing Committee amendments:

1. Strike section 14
2. Renumber remaining sections accordingly.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Remmers amendment lost with 15 ayes, 17 nays, 10 present and not voting, and 7 excused and not voting.

Messrs. V. Johnson and Remmers offered the following amendment to the Standing Committee amendments:
(Amendments to the Standing Committee Amendments)

1. Strike section 15 and insert the following new section:

"Sec. 15. For fiscal year 1984-85, and each fiscal year thereafter, an additional twenty million dollars shall be paid to school districts with 1/2 for foundation and 1/2 for equalization aid.

2. On page 39, line 21, strike "section 15 of this act,"; and in line 22 strike the second comma.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. V. Johnson requested a roll call vote on the V. Johnson-Remmers amendment.

Voting in the affirmative, 20:

Barrett Beyer Carsten Clark Fenger
Goll Haberman Hefner Jacobson Johnson, L.
Johnson, V. Kahle Lamb Newell Nichol
Peterson, H. Peterson, R. Pirsch Remmers Von Minden

Voting in the negative, 22:

Beutler DeCamp Eret Goodrich Harris
Higgins Hoagland Johnson, R. Kilgarin Labedz
Landis Lundy McDonald Morehead Pappas
Scofield Sieck Vickers Wagner Warner
Wesely Withem

Present and not voting, 2:

Chambers Rupp

Excused and not voting, 5:

Abboud Chronister Hannibal Marsh Schmit

The V. Johnson-Remmers amendment lost with 20 ayes, 22 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

AM2256

1. On page 5, line 13, strike "Every", show as stricken, and insert "(1) Except as provided in subsection (2) of this section, every"; in line 16 strike "sixteen", show as stricken, and insert "seventeen"; and strike beginning with "except" in line

19 through the period in line 21, show as stricken, and insert an underscored period.

2. On page 6, after line 6 insert:

"(2) The governing body of any legally operating school in the state may allow any child attending such school pursuant to subsection (1) of this section to stop attending if the child has been temporarily excused by school authorities or has graduated from high school. Any child at sixteen years of age may stop attending school if, after a meeting of the governing body or its designee, the child, and his or her parent or legal guardian, the parent or legal guardian deems it is in the best educational interests of the child.".

3. Insert the following new section:

"Sec. 6. That section 79-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-204. ~~All~~ (1) Except as provided in subsection (2) of this section, persons of from seven to ~~sixteen~~ seventeen years of age who are residents of this state, and who by reason of partial or total blindness or deafness are unable to obtain an education in the public, private, denominational, or parochial schools of this state, shall, under the provisions of section 79-201, be required to attend the Nebraska School for the Visually Handicapped or the Nebraska School for the Deaf, until graduated or discharged by the superintendent of such school, unless such persons are being privately or otherwise educated, or unless by reason of mental or physical incapacity they are not subjects for admission to ~~said~~ such schools.

(2) The superintendent of the Nebraska School for the Visually Handicapped or the Nebraska School for the Deaf may allow a child attending such school, pursuant to subsection (1) of this section, to stop attending such school at sixteen years of age if, after a meeting of the superintendent, the child, and his or her parent or legal guardian, the parent or legal guardian deems it is in the best educational interests of the child.".

4. On page 29, line 24, strike "14" and insert "15".

5. On page 39, line 18, strike "7" and insert "8"; and in line 21 strike "15" and insert "16".

6. On page 40, line 20, after the first comma insert "79-204,".

7. Renumber the remaining sections accordingly.

Speaker Nichol requested a ruling of the Chair on whether the Beutler amendment is germane to the Standing Committee amendments.

The Chair ruled the Beutler amendment is germane to the Standing Committee amendments.

Mr. Beutler moved for a Call of the House. The motion prevailed with 10 ayes, 5 nays, and 34 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Beutler   Chambers   Eret   Harris   Higgins
Hoagland   Johnson, V.   Kilgarin   Labedz   McDonald
Morehead   Newell   Remmers   Rupp   Vickers
Wesely   Withem

Voting in the negative, 26:

Barrett   Beyer   Carsten   Clark   DeCamp
Goll   Goodrich   Haberman   Hefner   Jacobson
Johnson, L.   Johnson, R.   Kahle   Lamb   Landis
Lundy   Nichol   Pappas   Peterson, H.   Peterson, R.
Pirsch   Scofield   Sieck   Von Minden   Wagner
Warner

Present and not voting, 1:

Fenger

Excused and not voting, 5:

Abboud   Chronister   Hannibal   Marsh   Schmit

The Beutler amendment lost with 17 ayes, 26 nays, 1 present and not voting, and 5 excused and not voting.

Standing Committee amendments were adopted, as amended, with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

Mr. V. Johnson moved to indefinitely postpone LB 994.

Mr. V. Johnson asked unanimous consent to withdraw his pending motion. No objections. So ordered.

Mr. V. Johnson requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Barrett
Beutler
Beyer
DeCamp
Eret
Goll
Goodrich
Haberman
Harris
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kilgarin
Labedz
Landis
Lundy
McDonald
Morehead
Pappas
Peterson, H.
Pirsch
Rupp
Scofield
Vickers
Wagner
Warner
Wesely
Withem

Voting in the negative, 14:

Carsten
Chambers
Clark
Fenger
Hefner
Johnson, V.
Kahle
Lamb
Newell
Nichol
Peterson, R.
Remmers
Sieck
Von Minden

Excused and not voting, 5:

Abboud
Chronister
Hannibal
Marsh
Schmit

Advanced to E & R for Review with 30 ayes, 14 nays, and 5 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 516. No objections. So ordered.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 957. Placed on General File as amended.
Standing Committee amendment to LB 957:
AM2183

1. On page 2, in lines 18 and 19, strike the new matter; and in line 20 after "involved" insert "and, until July 1, 1986, shall also show that the residence of the petitioner is closer to the school in the adjoining district by at least four miles and that the land to be transferred adjoins the district to which it

is proposed to be attached or that tuition has been paid for a period of at least two consecutive years for one or more of the petitioner's children to attend school in the district to which they propose to transfer land and the land to be transferred adjoins the district to which it is proposed to be attached".

(Signed) Tom Vickers, Chairperson

Appropriations

LEGISLATIVE BILL 959. Placed on General File as amended.
Standing Committee amendment to LB 959:
AM2203

1. On page 2, strike beginning with "such" in line 9 through "period" in line 10 and insert "a sixty-day period after the date on which bills for such goods and services are received".

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 1113 in the Journal. No objections. So ordered.

AM2246

1. Insert a new section as follows:

"Sec. 2. (1) In the case of a traffic infraction, any other infraction, a violation of a city ordinance, or a Class IIIA, IV, or V misdemeanor for which a citation is issued pursuant to sections 29-422 to 29-430 the court shall, upon a motion by the defendant, dismiss the action if a complaint for the offense is not filed with the court, pursuant to section 29-424, at least twenty-four hours before the scheduled appearance of the defendant in court.

(2) In the case of a Class I, II, or III misdemeanor for which a citation is issued pursuant to sections 29-422 to 29-430 the court may, upon a motion by the defendant, dismiss the action if a complaint for the offense is not filed with the court, pursuant to section 29-424, at least twenty-four hours before the scheduled appearance of the defendant in court.".

2. Renumber original section 2 as section 3.

GENERAL FILE

LEGISLATIVE BILL 928. Title read. Considered.

Standing Committee amendments, AM1885, printed separate from the Journal and referred to on page 826 and considered on page 904 lost with 3 ayes, 16 nays, 25 present and not voting, and 5 excused and not voting.

Mrs. Higgins moved to indefinitely postpone LB 928.

Messrs. Remmers, Lamb, Clark and Beyer asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Higgins asked unanimous consent to withdraw her pending motion. No objections. So ordered.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM1941, found in the Journal on page 917. No objections. So ordered.

Mr. Fenger asked unanimous consent to be excused. No objections. So ordered.

Messrs. Hoagland and H. Peterson asked unanimous consent to withdraw their pending amendment, AM2022, found in the Journal on page 974. No objections. So ordered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM2050, found in the Journal on page 1042. No objections. So ordered.

ANNOUNCEMENT

Speaker Nichol announced that today is Senator Remmer's birthday.

GENERAL FILE

Messrs. Hoagland, Vickers, H. Peterson, and DeCamp offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1108 - AM2240.)

SPEAKER NICHOL PRESIDING

Mr. Beutler offered the following amendment to the Hoagland et al amendment:

to amend the Hoagland amendment (2240) to LB 928 by adding the following new section:

"All teachers teaching in weekday church educational programs shall have successfully completed at least twelve years of formal education in approved schools or in equivalent schools as determined by the state department of education."

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Beutler amendment was adopted with 22 ayes, 12 nays, 5 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment to the Hoagland et al amendment:

Amend amendment to LB 928
PP. 2,3 - Strike all of subsection (4)

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers amendment lost with 11 ayes, 15 nays, 12 present and not voting, and 11 present and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Hoagland et al amendment.

Amend amendment to LB 928
P. 3, strike subsection (5)

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 6:

Beutler
Chambers
Higgins
Morehead
Pirsch
Rupp

Voting in the negative, 18:

Goll
Goodrich
Hoagland
Jacobson
Johnson, L.
Johnson, V.
Kilgarin
Lundy
McDonald
Newell
Pappas
Peterson, H.
Schmit
Scofield
Sieck
Warner
Wesely
Withem

Present and not voting, 13:

Barrett
Carsten
DeCamp
Eret
Haberman
Harris
Hefner
Kahle
Labedz
Nichol
Vickers
Von Minden
Wagner

Excused and not voting, 12:

Abboud
Beyer
Chronister
Clark
Fenger
Hannibal
Johnson, R.
Lamb
Landis
Marsh
Peterson, R.
Remmers

The Chambers amendment lost with 6 ayes, 18 nays, 13 present and not voting, and 12 excused and not voting.

Mr. Chambers offered the following amendment to the Hoagland et al amendment:
Amend amendment to LB 928
P. 3, strike all of subsection (6)

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 12:

Beutler
Chambers
DeCamp
Haberman
Higgins
Kilgarin
Morehead
Pirsch
Rupp
Schmit
Vickers
Withem

Voting in the negative, 15:

Carsten
Chronister
Goodrich
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, V.
Lundy
McDonald
Newell
Peterson, H.
Scofield
Warner
Wesely

Present and not voting, 12:

Barrett
Eret
Fenger
Goll
Harris
Kahle
Labedz
Nichol
Pappas
Sieck
Von Minden
Wagner

Excused and not voting, 10:

Abboud	Beyer	Clark	Hannibal	Johnson, R.
Lamb	Landis	Marsh	Peterson, R.	Remmers

The Chambers amendment lost with 12 ayes, 15 nays, 12 present and not voting, and 10 excused and not voting.

VISITORS

Visitors to the Chamber were Francis Masten from North Bend, Sally Ganem, Bob Melick, and Allen Hansen from Fremont; forty 9th-12th graders and principal from Macy; Glen Behrens, Demetre Evancho from Imperial, and Ken Wilcox from Ogallala; Jim Belzer from Grand Island; Mr. and Mrs. Lumir Kudera from Schuyler; Mrs. Richard Maresh, Peggy Roit from Ohiowa, and Patricia Kassik from Milligan; Former Senator Les Robinson and wife from Kearney.

ADJOURNMENT

At 7:35 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Friday, March 2, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 2, 1984

LEGISLATIVE JOURNAL

THIRTY-EIGHTH DAY - MARCH 2, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 2, 1984

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Pastor LeRoy Ward, Springbank Friends Church, Allen, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hoagland, Rupp, Mesdames Marsh, and Labedz who were excused; and Messrs. Beutler, Goodrich, R. Johnson, V. Johnson, Remmers, Schmit, Mesdames Higgins, Morehead, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1252, line 30, add "LEGISLATIVE BILL 928."
Page 1252, line 33, strike "1108" and insert "1102".
The Journal for the Thirty-Seventh Day was approved as corrected.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 842. Placed on General File.

(Signed) John DeCamp, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 276. Read. Considered.

Mr. Haberman moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Haberman requested a roll call vote on LR 276.

Voting in the affirmative, 23:

Abboud
Beyer
Carsten
Chronister
DeCamp
Eret
Fenger
Goodrich
Haberman
Hefner
Jacobson
Johnson, L.
Kahle
Lamb
Lundy
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Von Minden
Wagner

Voting in the negative, 10:

Beutler
Chambers
Hannibal
Harris
Landis
Newell
Vickers
Warner
Wesely
Withem

Present and not voting, 6:

Barrett
Clark
Goll
McDonald
Scofield
Sieck

Excused and not voting, 10:

Higgins
Hoagland
Johnson, R.
Johnson, V.
Kilgarin
Labedz
Marsh
Morehead
Rupp
Schmit

LR 276 failed with 23 ayes, 10 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the Call raised.

GENERAL FILE

LEGISLATIVE BILL 760. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1105. Title read. Considered.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 992. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 1 nay, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 642. Title read. Considered.

Ms. Scofield asked unanimous consent to withdraw her pending amendment, AM1646, found in the Journal on page 382. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 863. Title read. Considered.

Mr. Warner offered the following amendment:
AM2202

1. Strike the original sections and insert the following new sections:

"Section 1. (1) The Governor is authorized by the Legislature to convey to the city of Lincoln, Nebraska, a permanent easement for the construction, reconstruction, inspection, maintenance, operation, and the replacement of a sanitary sewer, together with all appurtenances, structures, and other applicable equipment pertaining thereto over and through certain real property, situated in the city of Lincoln, Lancaster County, Nebraska, described as follows:

A strip of land forty feet in width through a portion of Lot 75, irregular tract, located in the southwest quarter of section 13, township 10 north, range 6 east of the sixth principal meridian, Lancaster County, Nebraska.

(2) The permanent easement for the sanitary sewer conveyed in this section shall be twenty feet on either side of the centerline described as follows:

Commencing at the intersection with the centerline of Seventeenth Street and the south line of such southwest quarter of section 13, also known as the centerline of Holdrege Street extended; thence north along the centerline of Seventeenth Street, a distance of one hundred nineteen and forty-five hundredths feet to the centerline of the Burlington Northern Railroad right-of-way; thence northeasterly along such centerline a distance of one hundred sixty-four and seventy-six hundredths feet; thence northerly along a line which deflects fifty-six degrees, fifty-three minutes, zero seconds left, a distance of sixty-two and ninety-seven hundredths feet to the point of tangency with a circular curve; thence northerly along the arc of such circular curve bear to the left, whose central angle is thirty-one degrees, four minutes, twenty seconds, whose radius is three hundred thirty and twenty-eight hundredths feet, and whose tangent length is ninety-one and eighty-two hundredths feet, a distance of fifty-three and seventy-nine hundredths feet to the point of beginning; thence continuing along such circular curve, a distance of one hundred twenty-five and thirty-three hundredths feet to the point of tangency with a straight line; thence northwesterly along such straight line, a distance of three hundred four and seventy hundredths feet to the point of tangency with a circular curve; thence northerly along the arc of such circular curve bearing to the right, whose central angle is thirty-one degrees, twenty-nine minutes, zero seconds, whose radius is two hundred feet, and whose tangent length is fifty-six and thirty-seven hundredths feet, a distance of one hundred nine and ninety hundredths feet to the point of tangency with a straight line; thence north along such straight line, a distance of two hundred nine and sixty-one hundredths feet to the point of tangency with a circular curve; thence northwesterly along the arc of such circular curve bearing to the left, whose central angle is forty-five degrees, zero minutes, whose radius is two hundred feet and whose tangent length is eighty-two and eighty-four hundredths feet, a distance of one hundred fifty-seven and eight hundredths feet; thence west along a line which deflects forty-five degrees, zero minutes left from a line tangent to the previously described circular curve, a distance of one hundred thirty-four feet; thence northwesterly along a line which deflects seventy degrees forty-eight minutes right, a distance of one hundred twenty feet to the point of ending; containing an area of forty-six thousand four hundred twenty-four and eighty hundredths square feet, more or less.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Warner amendment was adopted with 25 ayes, 0 nays, 14 present

and not voting, and 10 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 980. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1016. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 1 nay, 10 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1051. Placed on General File as amended.
Standing Committee amendments to LB 1051:
AM2182

1. On page 2, strike beginning with the comma in line 26 through line 27.

2. On page 3, line 1, strike "federal savings bank."; strike beginning with the second comma in line 10 through "bank" in line 12; and strike beginning with "or" in line 18 through "Corporation" in line 21.

LEGISLATIVE BILL 689. Indefinitely postponed.
LEGISLATIVE BILL 872. Indefinitely postponed.
LEGISLATIVE BILL 1074. Indefinitely postponed.

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Arthur Langvardt - Educational Television Commission
Maurine Biegert - Educational Television Commission
Vance D. Rogers - Educational Television Commission
Jerry Ingram - Educational Television Commission
Phillip Heckman - Educational Television Commission
Odra W. Bradley - Educational Television Commission
Emmet Conneally - Educational Television Commission

The motion was made by Senator Scofield, seconded by Senator Hoagland, the Committee on Education voted unanimously to recommend that the Legislature confirm the above named individuals to the Educational Television Commission.

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

David A. Domina - Educational Lands and Funds

The motion was made by Senator Hoagland, seconded by Senator Newell, the Committee on Education voted to recommend David A. Domina be confirmed by the Legislature in his appointment to the Board of Educational Lands and Funds.

Voting aye: Senators Vickers, Eret, Goll, Hoagland, Lamb and Newell. Voting no: None. Not voting: Senators Harris and Scofield.

(Signed) Tom Vickers, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Newell asked unanimous consent to have his name added as co-introducer to LB 760. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 1, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Erickson & Sederstrom, P.C.:
  Thone, Charles - Lincoln, Standard Oil (Indiana)
Moors, H. Jack - Lincoln, Nebraska Medical Association
Palmer, Steven C. - Lincoln, (Withdrawn 2/23/84) Webcraft Games
Rasmussen, Dennis - Lincoln, Iowa/Nebraska Farm Equipment Association, Inc.

GENERAL FILE

LEGISLATIVE BILL 883. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 999. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1089. Title read. Considered.

Mr. Lamb offered the following amendment:
Pg 6 Strike lines 23 through 26

The Lamb amendment was adopted with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 726. Title read. Considered.

Standing Committee amendments, AM1777, found in the Journal on page 677 for the Eighteenth Day and considered on page 1124 were considered.

Mr. Withem offered the following amendment to the Standing Committee amendments:
AM2125
(Amendments to the Standing Committee Amendments)

1. On page 2, line 15, after “foot” insert “, except that the maximum load carried on any group of two or more axles shall not exceed eighty thousand pounds on the National System of Interstate and Defense Highways unless the Director - State Engineer pursuant to section 39-6,180.01 authorizes a greater weight”.

2. On page 9, line 19, strike “shall” and reinstate “may”.

The Withem amendment was adopted with 21 ayes, 0 nays, 19 present and not voting, and 9 excused and not voting.

The Standing Committee amendments were adopted, as amended, with

26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 822. Title read. Considered.

Standing Committee amendment, AM1821, found in the Journal on page 706 for the Nineteenth Day was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 697, 729, 773, 811, 818, 899, and 969.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 899

The following changes, required to be reported for publication in the Journal, have been made:

ER0176

1. On page 2, line 20; page 4, lines 12 and 15; and page 6, line 18, the first comma has been struck and shown as stricken.
2. On page 4, lines 8, 11, and 13; and page 7, line 25, the last comma has been struck and shown as stricken.
3. On page 5, line 27, the stricken matter has been reinstated.
4. On page 8, line 13, an underscored comma has been inserted after "seq.".
5. In the Standing Committee amendments, AM1862, on page 6, line 3, "and insert '(5)' " has been struck; in lines 8 and 9 an underscored comma has been inserted after "shall" and "operations" respectively; and in line 11 "corporative" has been struck and "cooperative" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 426 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2187.)

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Newell asked unanimous consent to have his name added as co-introducer to LB 1117. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 275.

GENERAL FILE

LEGISLATIVE BILL 848. Title read. Considered.

Standing Committee amendment, AM1825, found in the Journal on page 725 for the Nineteenth Day was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 848A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 716. Title read. Considered.

Standing Committee amendments, AM1785, found in the Journal on page 733 for the Nineteenth Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 910. Title read. Considered.

Standing Committee amendment, AM1876, found in the Journal on

page 756 for the Twentieth Day was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1076. Title read. Considered.

Mr. DeCamp renewed his pending amendment, AM2198, found in the Journal on page 1199.

Mr. Pappas asked unanimous consent to be excused. No objections. So ordered.

The DeCamp amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Wesley offered the following amendment:
Reinstate stricken language in LB 1076 in lines 12 through 17 on page 2.

The Wesely amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 801. Title read. Considered.

Standing Committee amendments, AM1874, printed separate from the Journal and referred to on page 774 for the Twenty-First Day were considered.

Mr. Barrett renewed his pending amendment, AM2028, found in the Journal on page 1130 to the Standing Committee amendments.

The Barrett amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Standing Committee amendments were adopted, as amended, with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 801A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1127 in the Journal. No objections. So ordered.

Amend LB 1127 by adding the following new sections.

Section 4. That section 68-1020, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1020. Medical assistance shall be paid on behalf of dependent children, aged person, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and all individuals less than twenty- one years of age who are eligible under section 1905(a) of the Social Security Act, as amended.

Mr. Landis asked unanimous consent to print the following amendment to LB 516 in the Journal. No objections. So ordered.

Strike Section 1 and insert a new section to read as follows:
"Section 1. Notwithstanding the provisions of sections 81-196 to 81-1,108, the State Board of Examiners for Professional Engineers and Architects is hereby reestablished."

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 516A. By Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 516, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 1117. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 900. Title read. Considered.

Standing Committee amendment, AM1884, found in the Journal on page 775 for the Twenty-First Day was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1026. E & R amendments, AM5322, found in the Journal on page 1240 for the Thirty-Seventh Day were adopted.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 700A. Title read. Considered.

Mr. Clark requested a machine vote on the advancement of the bill.

Mr. Newell moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Newell requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 17:

Barrett Chambers Hannibal Harris Johnson, V.
Kilgarin McDonald Morehead Newell Schmit
Scofield Sieck Vickers Wagner Warner
Wesely Withem

Voting in the negative, 21:

Abboud Beyer Carsten Chronister Clark
Fenger Goll Goodrich Haberman Hefner
Jacobson Johnson, L. Kahle Lamb Lundy
Nichol Peterson, H. Peterson, R. Pirsch Remmers
Von Minden

Present and not voting, 2:

Beutler Eret

Absent and not voting, 2:

DeCamp Landis

Excused and not voting, 7:

Higgins	Hoagland	Johnson, R.	Labedz	Marsh
Pappas	Rupp			

Failed to advance to E & R for Engrossment with 17 ayes, 21 nays, 2 present and not voting, 2 absent and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 658. E & R amendments, AM5292, found in the Journal on page 1078 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 805. E & R amendment, AM5294, found in the Journal on page 1080 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 14A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 976A. Mr. Newell requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1056A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 979. E & R amendment, AM5302, found in the Journal on page 1142 for the Thirty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1045. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 1059. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 968. E & R amendments, AM5304, found in the Journal on page 1142 for the Thirty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1071. E & R amendments, AM5307, found in the Journal on page 1178 for the Thirty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 799. E & R amendment, AM5306, found in the Journal on page 1179 for the Thirty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1001. E & R amendments, AM5305, found in the Journal on page 1180 for the Thirty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1095. E & R amendment, AM5310, found in the Journal on page 1180 for the Thirty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1098. E & R amendments, AM5312, found in the Journal on page 1181 for the Thirty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 783. Title read. Considered.

Standing Committee amendment, AM1882, found in the Journal on page 792 for the Twenty-First Day was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 764. Title read. Considered.

Standing Committee amendment, AM1920, found in the Journal on page 831 for the Twenty-Third Day was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 981. Title read. Considered.

Standing Committee amendments, AM1925, found in the Journal on page 832 for the Twenty-Third Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 981A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 676. Title read. Considered.

Standing Committee amendments, AM1888, found in the Journal on page 838 for the Twenty-Third Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 915 in the Journal. No objections. So ordered.

1. Add a new Section 2 as follows:

Section 2. The provisions of this act shall not become effective until January 1, 1987.

2. Renumber original Section 2 as Section 3.

Messrs. Vickers and Lundy asked unanimous consent to print the following amendment to LB 970 in the Journal. No objections. So ordered.

AM2236

1. On page 3, line 15, after the period insert "The state colleges and the University of Nebraska shall establish a joint advisory committee to ensure coordinated program development and delivery in offering the master's degree in business administration.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 751A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 751, Eighty-eighth Legislature, Second Session, 1984.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of gubernatorial appointments:

Nebraska Retirement Systems

Tamara S. Brandt - Pub. Employees Retirement Board
Phillip Kaldahl - Pub. Employees Retirement Board
Anne B. Brooks - Pub. Employees Retirement Board

Miscellaneous Subjects

Gail Walling Yanney - NE Arts Council
Jeanne Smith - NE Arts Council
Lois Roskens - NE Arts Council
Hod Kosman - NE Arts Council
Dick C.E. Davis - NE Arts Council
Jerome I. Cohn - NE Arts Council

Public Health and Welfare

James E. Kamas - NE Comm. for Hearing Imparied
Berton Leavitt - NE Comm. for Hearing Imparied
Marie L. Williams - NE Comm. for Hearing Imparied
Ralph L. Geisler - NE Comm. for Hearing Imparied

Edward J. Kucirek - Manufactured Housing Adv. Brd.
James C. Hille - Manufactured Housing Adv. Brd.
Robert L. Eddy - Manufactured Housing Adv. Brd.

Roger Lott - State Foster Care Review Board
Amy Richardson - State Foster Care Review Board

Dr. Judy Butler (R) - Rural Health Manpower Commission
Dr. L.C. Potts - Rural Health Manpower Commission
Dr. Perlita Narvaez - Rural Health Manpower Commission
Donna Lamb - Rural Health Manpower Commission
Bill Matthews - Rural Health Manpower Commission

Linda Mazour - Rural Health Manpower Commission

Bernard R. Gyger (R) - Advisory Comm. to the Department of Public Institutions, Public Welfare, and Correctional Services.
Ella Ochoa - Advisory Comm. to the Department of Public Institutions, Public Welfare, and Correctional Services.

Public Works

Donald O. Swing (R) - Board of Pub. Roads Classifications and Standards
R. Doyle Hansen (R) - Board of Pub. Roads Classifications and Standards
Blase Cupich - Board of Pub. Roads Classifications and Standards
Merlin Lindahl - Board of Pub. Roads Classifications and Standards
James H. Suttle - Board of Pub. Roads Classifications and Standards
Joseph W. McNamara (R) - Board of Pub. Roads Classifications and Standards
Darrel Berg - Board of Pub. Roads Classifications and Standards

James Keenan (R) - State Highway Commission
Paul Landow - State Highway Commission
George A. Miles (R) - State Highway Commission

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

MESSAGE FROM THE GOVERNOR

March 2, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 723 and 591 were received in my office on March 1, 1984.

These bills were signed by me on March 2, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 591e and 723e on Final Reading. I would have voted nay on LB 772e and 772Ae on Final Reading.

(Signed) Chris Abboud

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 1058 and LB 1059. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 724. Title read. Considered.

Standing Committee amendments, AM1923, found in the Journal on page 839 for the Twenty-Third Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 724A. Title read. Considered.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 682. Title read. Considered.

Standing Committee amendments, AM1963, found in the Journal on page 877 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Landis renewed his pending amendment, AM2235, found in the

Journal on page 1206.

The Landis amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 471. Title read. Considered.

Standing Committee amendments, AM1673, found in the Journal on page 890, for the Twenty-Sixth Day were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Goodrich asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 516. Title read. Considered.

Standing Committee amendments, AM1674, found on page 890 for the Twenty-Sixth Day were adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 341A in the Journal. No objections. So ordered.

To amend LB 341A as follows:
Page 2, line 2 strike "thirty-eight million nine hundred fifty thousand" and insert "fifty million"

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 644, 653, 673, 683, 690, 730, 749, 750, 752, 853, 862, 881, 897, 995, and 1119.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 690

The following changes, required to be reported for publication in the Journal, have been made:
ER0178
1. In the E & R amendments, AM5265, on page 1, the matter beginning with "in" in line 3 through the semicolon in line 4 has been struck.
2. On page 2, line 9, the comma has been struck and shown as stricken.

Enrollment and Review Change to LB 1119

The following changes, required to be reported for publication in the Journal, have been made:
ER0177
1. On page 2, line 19, "of same" has been struck and shown as stricken; in lines 22 and 23 the comma has been struck.
2. On page 3, line 10, "the same are" has been struck
3. On page 4, line 26, "the same are" has been struck and shown as stricken.
4. On page 6, line 7, the last comma has been struck; in line 9 the comma has been struck; in line 20 "the same" has been struck; and in line 21 "are" has been struck.
5. In the E & R amendment, AM5263, on page 1, line 16, "in line 10 strike the comma;" has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 826. Title read. Considered.

Standing Committee amendment, AM1872, found in the Journal on page 891 for the Twenty-Sixth Day was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 975. Title read. Considered.

Standing Committee amendments, AM1909, found in the Journal on page 892 for the Twenty-Sixth Day were adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, 11 excused and not voting.

LEGISLATIVE BILL 932. Title read. Considered.

Standing Committee amendments, AM1946, found in the Journal on page 895 for the Twenty-Sixth Day were adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1010. Title read. Considered.

Standing Committee amendments, AM1948, found in the Journal on page 897 for the Twenty-Sixth Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE RESOLUTION 234. Title read. Considered.

Standing Committee amendments, AM1865, found in the Journal on page 903 for the Twenty-Sixth Day were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Beutler offered the following amendment:
On page 1, line 14 change the word "six" to the word "twelve"

Pending.

LEGISLATIVE BILL 925. Title read. Considered.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM1964, found in the Journal on page 933 for the Twenty-Seventh Day were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 936. Title read. Considered.

Standing Committee amendment, AM1966, found in the Journal on page 951 for the Twenty-Seventh Day was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1117. Title read. Considered.

Standing Committee amendments, AM1983, found in the Journal on page 952 for the Twenty-Seventh Day were adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Wagner renewed his pending amendment, AM1991, found in the Journal on page 933.

The Wagner amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Beutler offered the following amendment:
To amend LB 1117 by deleting the following language in lines 8 & 9, page 14
"or because funding has been offered on terms that substantially hinder the success of the enterprise"

Pending.

LEGISLATIVE BILL 714. Title read. Considered.

Standing Committee amendment, AM1989, found in the Journal on page 953 for the Twenty-Seventh Day was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 920. Title read. Considered.

Standing Committee amendments, AM1969, found in the Journal on page 959 for the Twenty-Eighth Day were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Standing Committee amendment, AM1970, found in the Journal on page 959 for the Twenty-Eighth Day was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 801A in the Journal. No objections. So ordered.

On page 2, line 2, strike "$51,547" and insert "$24,625"; in line 3, strike "$44,015" and insert "$9,625"; in line 11, strike "$14,755" and insert "$16,563"; and in line 12, strike "$15,493" and insert "$17,391".

Messrs. Landis and Nichol asked unanimous consent to print the following amendment to LB 471 in the Journal. No objections. So ordered.

AM2263
(Amendments to Standing Committee Amendments)

1. On page 1, line 4, strike "may at his or her discretion" and insert "shall"; strike beginning with "lines" in line 11 through the period in line 12 and insert "strike beginning with 'five' in line 14 through the comma in line 16, show the old matter as stricken, and insert 'fifteen thousand dollars for those agencies or foreign corporations having sixteen or more licensed solicitors, ten thousand dollars for any agency having five to fifteen licensed solicitors, and five thousand dollars for any agency having less than five solicitors,'.".

Mr. Warner asked unanimous consent to print the following amendment to LB 826 in the Journal. No objections. So ordered.

AM2116

1. Insert a new section as follows:

"Sec. ... That section 75-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-104. As soon after July 1, 1985, as the same may be payable under the Constitution of Nebraska, each of the commissioners shall receive an annual salary of ~~twenty- five~~ twenty- seven thousand dollars, payable in the same manner that the salaries of other state officers are paid. In addition thereto, the commissioners, secretary, clerks, and other employees of the commission shall be entitled to receive from the state their actual necessary traveling expenses, which shall include the cost of transportation while traveling on the business of the commission, to be paid in the same manner as other claims against the state. In ~~;~~ ~~Provided, that in~~ computing the cost of transportation for commissioners, secretary, clerks, and other employees, no mileage or other traveling expense shall be claimed or allowed unless the provisions of sections 84-306 to 84-306.05 are strictly complied with.".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 975. No objections. So ordered.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 954. Placed on General File as amended.
Standing Committee amendments to LB 954:
AM2260

1. Strike original sections 1 to 8, 10, and 11.

2. On page 16, strike the new matter in lines 11 and 12 and insert "or residential housing".

3. On page 17, strike the new matter in lines 1 through 5.

4. Insert a new section as follows:

"Sec. 2. That original section 58-256, Revised Statutes Supplement, 1983, is repealed.".

5. Renumber original section 9 as section 1.

(Signed) John DeCamp, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 1026.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1058. Title read. Considered.

Standing Committee amendments, AM2001, found in the Journal on page 967 for the Twenty-Eighth Day lost with 0 ayes, 19 nays, 20 present and not voting, and 10 excused and not voting.

Miss Kilgarin and Mr. Hannibal asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Messrs. R. Peterson and Remmers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 727. Title read. Considered.

Standing Committee amendments, AM2002, found in the Journal on page 988 for the Twenty-Ninth Day were adopted with 25 ayes, 1 nay, 9 present and not voting, and 14 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 727.

Mr. Chambers asked unanimous consent to withdraw his pending motion to indefinitely postpone LB 727. No objections. So ordered.

Pending.

PRESIDENT MCGINLEY PRESIDING

LEGISLATIVE BILL 825. Title read. Considered.

Standing Committee amendments, AM1928, found in the Journal on page 989 for the Twenty-Ninth Day were considered.

Pending.

LEGISLATIVE BILL 751. Title read. Considered.

Standing Committee amendments, AM1852, printed separate from the Journal and referred to on page 991 for the Twenty-Ninth Day were adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 971. Title read. Considered.

Standing Committee amendment, AM1959, found in the Journal on page 991 for the Twenty-Ninth Day was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 800. Title read. Considered.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment, AM1996, found in the Journal on page 1000 for the Twenty-Ninth Day was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1019. Title read. Considered.

Standing Committee amendments, AM2037, found in the Journal on page 1013 for the Thirtieth Day were adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1118. Title read. Considered.

Standing Committee amendment, AM2038, found in the Journal on page 1014 for the Thirtieth Day was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. McDonald asked unanimous consent to be excused. No objections. So ordered.

Mr. Harris moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Harris requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Beutler Chambers Chronister DeCamp Eret
Goodrich Haberman Harris Johnson, V. Kahle
Landis Newell Pirsch Schmit Scofield
Sieck Wagner Warner Wesely Withem

Voting in the negative, 8:

Abboud Carsten Clark Jacobson Johnson, L.
Nichol Peterson, H. Von Minden

Present and not voting, 6:

Barrett Beyer Fenger Goll Hefner
Lundy

Absent and not voting, 1:

Vickers

Excused and not voting, 14:

Hannibal Higgins Hoagland Johnson, R. Kilgarin
Labedz Lamb Marsh McDonald Morehead
Pappas Peterson, R. Remmers Rupp

Failed to advance to E & R for Review with 20 ayes, 8 nays, 6 present and not voting, 1 absent and not voting, and 14 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 418. Title read. Considered.

Standing Committee amendments, AM2018, found in the Journal on page 1019 for the Thirtieth Day were adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 418A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 906. Title read. Considered.

Standing Committee amendments, AM2023, found in the Journal on page 1024 for the Thirtieth Day were adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 861. Title read. Considered.

Standing Committee amendments, AM1929, found in the Journal on page 1024 for the Thirtieth Day were adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 695 in the Journal. No objections. So ordered.

AM2032

1. On page 5, line 24, strike "a heartbeat" and insert "beating of the heart".

Mr. Carsten asked unanimous consent to print the following amendment to LB 891 in the Journal. No objections. So ordered.

AM2252
(Amendments to Committee Amendments)

1. In the Standing Committee amendments on page 1, line 1, after the second comma insert "strike 'licensed' and insert 'used' and"; and in line 2 strike "two days" and insert "twenty hours".

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 1106. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2257.)

(Signed) Loran Schmit, Chairperson

MOTION - Withdraw LB 1014

Mr. Goodrich moved to withdraw LB 1014.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 984. Title read. Considered.

Messrs. Chronister and Clark asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendments, AM1930, found in the Journal on page 1025 for the Thirtieth Day were considered.

Mr. Landis offered the following amendment to the Standing Committee amendments:

Delete the words "or resolution" in the second line 10.

The Landis amendment was adopted with 16 ayes, 0 nays, 17 present and not voting, and 16 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

Change the word "three-fifths" in line 11 (second line 11) to "two-thirds".

The Beutler amendment was adopted with 9 ayes, 1 nay, 23 present and not voting, and 16 excused and not voting.

The Standing Committee amendments were adopted, as amended, with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Pending.

LEGISLATIVE BILL 1057. Title read. Considered.

Standing Committee amendments, AM2052, found in the Journal on page 1031 for the Thirtieth Day were adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 8 present and not voting, and 15 excused and not voting.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Vince Rotherham and two friends from Ft. Robinson; Reverend LeRoy Ward, Vern Jones, and Herb Ellis from Allen; Mr. and Mrs. Dennis Moore from Ansley; seven students and teachers from Hay Springs; forty 8th grade students and teachers from St. Mary's, David City; Mrs. Ruth Haarberg, 2 daughters and friends from Arapahoe; eleven students and parents from Clearwater; Steve Janis; and Larry Pridset and sons from Grant.

ADJOURNMENT

At 3:40 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Monday, March 5, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 5, 1984

LEGISLATIVE JOURNAL

THIRTY-NINTH DAY - MARCH 5, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 5, 1984

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. H. Peterson who were excused; and Messrs. Abboud, Beutler, Goodrich, Harris, R. Johnson, V. Johnson, Newell, Rupp, Withem, Mesdames Higgins, Labedz, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

PRESIDENT MCGINLEY PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 152, 657, 768, 791, 833, 833A, 919, 923, 934, 967, 1000, 1032, and 1056.

(Signed) Rod Johnson, Chairperson

Enrollment and Review

LEGISLATIVE BILL 645. Placed on Select File as amended.
E & R amendments to LB 645:
AM5327

1. In the Standing Committee Amendments, AM1770, adopted February 28, 1984:

a. On page 1, line 8, after "transmit" insert an underscored comma; and

b. On page 2, line 1, strike "instructional".

2. On page 1, line 5, after the last semicolon insert "to provide for the transfer of certain funds;"; and in line 6 after the semicolon insert "to change provisions relating to a documentary film; to harmonize provisions;".

3. On page 2, line 4, strike "Sections 79-2101 to 79-2106", show as stricken, and insert "The Nebraska Educational Telecommunications Act", and reinstate the stricken matter; in line 2 strike "create"; and strike beginning with "sections" in line 13 through "act" in line 14, and insert "the Nebraska Educational Telecommunications Act".

4. On page 3, strike beginning with "The" in line 16 through the period in line 18 and show the old matter as stricken.

5. On page 4, line 12, strike the comma and show as stricken; in line 23 strike the first comma and show as stricken; and in line 27 strike "sections 79-2101 to 79-2106", show as stricken, and insert "the Nebraska Educational Telecommunications Act".

6. On page 5, line 6, strike the comma and show as stricken.

7. On page 6, lines 9 and 20, strike both commas and show as stricken; in line 19 strike "Health," and show as stricken; and in line 20 strike "and Welfare" and show as stricken.

8. On page 7, line 1, strike "fund", show as stricken, and insert "funds"; and in lines 13, 20, 21, and 27 strike all commas and show as stricken.

9. On page 8, lines 1, 14, and 27, strike the comma and show as stricken; and in line 3 strike the second comma and show as stricken.

10. On page 9, line 3, strike "79-2106", show as stricken, and insert "79- 2115 and section 2 of this act"; and in line 4 after "known" insert "and may be cited".

11. On page 12, line 26, strike both commas

and show as stricken.

LEGISLATIVE BILL 694. Placed on Select File as amended.
E & R amendments to LB 694:
AM5323

1. Because of the Labedz amendments, AM1934, adopted February 27, 1984, strike the Standing Committee amendments, AM1683, adopted February 27, 1984.

2. In the Labedz amendments, AM1934, on page 1, line 8, after "license" insert ", as defined by the Department of Motor Vehicles,"; and in line 18 strike the comma; and in line 19 strike "as".

3. On page 1, line 3, strike "a provision" and insert "provisions".

4. On page 2, line 6, strike the first comma and show as stricken; and in line 7 strike the comma and show as stricken.

LEGISLATIVE BILL 694A. Placed on Select File.

LEGISLATIVE BILL 776. Placed on Select File as amended.
E & R amendment to LB 776:
AM5324

1. In the Standing Committee amendments, AM1791, adopted February 27, 1984:

a. On page 1, line 7, strike "said" and show as stricken; and in lines 8 and 23, strike the comma and show as stricken;

b. On page 2, line 14, strike the comma and show as stricken; and in line 18 strike the last comma and show as stricken;

c. On page 3, line 4, after "or" insert "any";

d. On page 4, line 14, strike the comma and show as stricken;

e. On page 5, line 7, strike "such" and insert "the", and after "terms" insert "employee and workman"; and in line 19 strike the comma;

f. On page 7, line 13, strike the second "such" and insert "the"; and in lines 14, 18, 19, and 22 strike the first "such" and insert "the"; and

g. On page 8, line 11, strike the first "such" and insert "the".

LEGISLATIVE BILL 993. Placed on Select File as amended.
E & R amendments to LB 993:

AM5325

1. On page 1, line 3, after "authorize" insert "general".

2. On page 2, line 18, after "of" insert "general".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 807 in the Journal. No objections. So ordered.

AM1986

1. On page 2, strike beginning with "(i)" in line 7 through "State" in line 18, show the old matter as stricken, and insert "consumer goods then in the office of the county clerk in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the county clerk in the county where the goods are kept"; and after line 25 insert:

"(c) In all other cases in the office of the Secretary of State or in the office of any county clerk.".

2. On page 4, line 7, after "will" insert ", with the exception of consumer goods provided for in section 9-401,".

3. On page 5, strike line 8 and insert "Code, as amended by section 4 of this act, be amended to read as follows:".

4. On page 6, line 7, after "article" insert "2,"; in line 9 after "clerk" insert "or register of deeds"; in line 20 after "each" insert "filing," and strike "release, or termination", show as stricken, and insert "separate statement of assignment, certificate of discharge or subordination, notice, certificate of release or nonattachment, partial release, or full release"; in line 21 after "article" insert "2,"; in line 22 after "clerk" insert "or register of deeds"; and strike beginning with "the" in line 23 through "under" in line 24, show as stricken, and insert "such fees as are set forth in section 9-403 of".

5. On page 7, line 4, strike "1985" and insert "1986".

6. Insert new sections as follows:

"Sec. 4. That section 9-414, Uniform Commercial Code, be amended to read as follows:

9-414. Filing information; county clerk; Secretary of State; duties; fees.

(1) Upon receipt of a financing statement, an amendment to a financing statement, an assignment, a continuation statement, a termination statement, or a release of collateral, relating to (a) equipment used in farming operations, (b) farm products, including crops growing or to be grown, (c) farm products which become inventory of a person engaged in farming, or (d) accounts or general intangibles arising from or relating to the sale of farm products by a farmer, each county clerk shall immediately transmit to the Secretary of State the following document information:

(i) Identification of the document;

(ii) Document number;

(iii) Name and address of the debtor or debtors;

(iv) Name and address of the creditor or creditors;

(v) Type or types of goods covered;

(vi) Date and time of filing; and

(vii) Social security or federal identification number of the debtor or debtors, if available.

(2) Upon receipt of a lien filed pursuant to Chapter 52, article 2, 5, 7, 9, 10, or 11 or Chapter 54, article 2, or an amendment, release, or termination of such lien, the county clerk shall immediately transmit to the Secretary of State the following document information:

(a) Identification of the document;

(b) Document number;

(c) Name and address of the debtor or debtors;

(d) Name and address of the creditor or creditors;

(e) Type or types of goods covered;

(f) Date and time of filing; and

(g) Social security or federal identification number of the debtor or debtors, if known.

(3) For each amendment, release, or termination of a lien filed pursuant to Chapter 52, article 2, 5, 7, 9, 10, or 11 or Chapter 54, article 2, the county clerk shall charge the same fee as would be

charged for a similar document filed under the Uniform Commercial Code. The retention and distribution of such funds shall be the same as is provided for fees under subsection (9) of section 9-403, Uniform Commercial Code.

(4) Upon receipt of information transmitted pursuant to this section the Secretary of State shall record and index the information so that on or before January 1, ~~1985~~ 1986, such information shall be available for the following types of inquiry: in person, written, and telephone and other electronic medium, including computers, except that information relative to security interests in crops growing or to be grown shall continue to be available for inquiry in the same manner as provided in section 9-411 before July 1, 1983.

Sec. 5. Sections 4, 5, and 7 of this act shall become operative on their effective date. The remaining sections shall become operative on January 1, 1986.

Sec. 7. That original section 9-414, Uniform Commercial Code, is repealed.".

7. On page 7, line 11, strike the first comma and insert "and"; and in line 12 strike "and 9-414," and after "Code," insert "and section 9-414, Uniform Commercial Code, as amended by section 4 of this act,".

8. Renumber remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 267. Read. Considered.

MR. CLARK PRESIDING

LR 267 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 272. Read. Considered.

LR 272 was adopted with 27 ayes, 0 nays, and 22 not voting.

MOTION - Approve Appointments

Mr. Vickers moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 1260: Educational Television Commission: Arthur Langvardt, Maurine Biegert, Vance D. Rogers, Jerry Ingram, Phillip

Heckman, Odra W. Bradley, and Emmett Conneally.

Voting in the affirmative, 28:

Abboud Barrett Chronister Clark Fenger
Haberman Hoagland Johnson, L. Kahle Kilgarin
Lamb Landis McDonald Morehead Newell
Nichol Pappas Pirsch Remmers Rupp
Schmit Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 14:

Beyer Carsten Chambers DeCamp Eret
Goll Goodrich Hannibal Hefner Higgins
Jacobson Johnson, R. Lundy Peterson, R.

Excused and not voting, 7:

Beutler Harris Johnson, V. Labedz Marsh
Peterson, H. Scofield

The appointments were confirmed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Vickers moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 1260: David A. Domina - Educational Lands and Funds.

Voting in the affirmative, 27:

Abboud Barrett Beyer Carsten Eret
Haberman Hannibal Hoagland Johnson, L. Kahle
Kilgarin Lamb Landis Lundy McDonald
Morehead Newell Nichol Pappas Rupp
Schmit Sieck Vickers Von Minden Wagner
Wesely Withem

Voting in the negative, 0.

Present and not voting, 15:

Chambers Chronister Clark DeCamp Fenger

Goll Goodrich Hefner Higgins Jacobson
Johnson, R. Peterson, R. Pirsch Remmers Warner

Excused and not voting, 7:

Beutler Harris Johnson, V. Labedz Marsh
Peterson, H. Scofield

The appointment was confirmed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 706. Indefinitely postponed.
LEGISLATIVE BILL 731. Indefinitely postponed.
LEGISLATIVE BILL 770. Indefinitely postponed.
LEGISLATIVE BILL 817. Indefinitely postponed.
LEGISLATIVE BILL 831. Indefinitely postponed.
LEGISLATIVE BILL 869. Indefinitely postponed.
LEGISLATIVE BILL 888. Indefinitely postponed.
LEGISLATIVE BILL 937. Indefinitely postponed.
LEGISLATIVE BILL 955. Indefinitely postponed.

(Signed) Calvin Carsten, Chairperson

GENERAL FILE

LEGISLATIVE BILL 693. Title read. Considered.

Mr. DeCamp asked unanimous consent to pass over LB 693. No objections. So ordered.

LEGISLATIVE BILL 909. Title read. Considered.

Mr. Haberman moved to indefinitely postpone LB 909.

SPEAKER NICHOL PRESIDING

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Vickers requested a record vote on the Haberman motion to indefinitely postpone.

Voting in the affirmative, 24:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Fenger	Goll	Haberman	Harris
Hefner	Jacobson	Johnson, L.	Johnson, R.	Kilgarin
Lamb	McDonald	Newell	Nichol	Peterson, R.
Pirsch	Von Minden	Warner	Wesely	

Voting in the negative, 9:

Eret	Hannibal	Hoagland	Kahle	Lundy
Morehead	Rupp	Sieck	Vickers	

Present and not voting, 11:

Chambers	DeCamp	Goodrich	Higgins	Landis
Pappas	Remmers	Schmit	Scofield	Wagner
Withem				

Excused and not voting, 5:

Beutler	Johnson, V.	Labedz	Marsh	Peterson, H.

The Haberman motion to indefinitely postpone prevailed with 24 ayes, 9 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 983. Title read. Considered.

Mr. Schmit offered the following amendment:

1. On page 2, strike beginning with "all" in line 4 through "vehicles" in line 6 and insert "the National System of Interstate and Defense Highways and shall also allow such vehicle combinations to operate on the streets and highways of this state located within thirty-five miles of the National System of Interstate and Defense Highways while such vehicle combinations are traveling to the interstate and defense highways by the most direct route. Such permits shall only allow the extra-long vehicle combinations to operate in this state if such vehicles".

Mr. Schmit moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Schmit amendment was adopted with 29 ayes, 0 nays, 15 present

and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Schmit moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Schmit requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 17:

Beyer Chronister DeCamp Haberman Hannibal
Harris Hefner Johnson, R. Lamb Morehead
Nichol Pappas Remmers Rupp Schmit
Wagner Warner

Voting in the negative, 22:

Abboud Barrett Carsten Clark Eret
Fenger Goll Hoagland Jacobson Kahle
Kilgarin Labedz Landis Lundy McDonald
Newell Peterson, R. Pirsch Scofield Vickers
Von Minden Wesely

Present and not voting, 5:

Goodrich Higgins Johnson, L. Sieck Withem

Absent and not voting, 1:

Chambers

Excused and not voting, 4:

Beutler Johnson, V. Marsh Peterson, H.

Failed to advance to E & R for Review with 17 ayes, 22 nays, 5 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 671. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 807. Mr. Beyer asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 970. Title read. Considered.

Standing Committee amendment, AM1965, found in the Journal on page 880 for the Twenty-Fifth Day was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Messrs. Vickers and Lundy renewed their pending amendment, AM2236, found in the Journal on page 1270.

The Vickers-Lundy amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Warner moved to indefinitely postpone LB 970.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 267 and LR 272.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 692 in the Journal. No objections. So ordered.

AM2242

1. Insert the following new section:

"Sec. 21. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 450. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following in the Journal. No objections. So ordered.

March 5, 1984

TO: Members of the Legislature
RE: Resignation from the Special Commonwealth Committee

Because of the gravity and uniqueness of the issues involved in the Commonwealth Matter and the strong likelihood, in my opinion, that efforts at political coverup might develop, I fought for membership on the Committee.

On January 4, 1984, the Legislature by a vote of 25 - 13, placed me on the Committee.

During the early stages of activity, the Committee moved with alacrity, adopting a Motion on February 9, 1984 setting out the specifics governing a public hearing to deal with the activities of Attorney General Paul Douglas in connection with Marvin Copple and Commonwealth Savings Company.

An accompanying Press Release detailed the Committee's overall agenda. Other issues to be dealt with were:

(1) The State's liability — the Claims Board has acted and its proposal is in the hands of the Lancaster County District; nothing at this time remains for the Committee or the Legislature to do until after the court makes some determination;

(2) Remedial and corrective legislation to give the Director of the Department of Banking the tools needed to prevent a future Commonwealth debacle; and to require that all depository institutions obtain federal insurance; the Committee has acted;

(3) Bailout legislation — this has been processed by the Committee.

The public hearing on Attorney General Paul Douglas lasted two days and elicited considerable damaging evidence against him which, in my opinion, established that his official actions as Attorney General were improperly influenced by his various dealings and activities with Marvin Copple and Commonwealth.

Last night, March 4, 1984, the Committee held a meeting in room 203 of the Lincoln Hilton Hotel. In attendance were 15 of the 16 Committee members:

1. William Barrett
2. Chris Beutler
3. Emil Beyer
4. Calvin Carsten
5. Ernie Chambers
6. Robert Clark
7. John DeCamp
8. Rex Haberman

9. Vard Johnson, Chairman
10. Bernice Labedz
11. Marge Higgins
12. William Nichol
13. Wiley Remmers
14. Loran Schmit
15. Jerome Warner

Senator Don Wagner was absent.

Because some of the members began raising questions as to whether it was appropriate for the Committee even to be considering the issues involving Attorney General Paul Douglas, and others began to defend him and rationalize his conduct, I reminded them that our purpose in meeting was to deal with the Douglas question and that if they refused, I would leave.

Reluctant consideration was given to a Resolution of Impeachment which contained General Allegations and six Specifications.

Senator Warner offered a motion to delete Specifications #1 and #4, saying he had "problems" with them. Senator Barrett opposed the motion, saying it would "dilute and weaken" the resolution — then voted against the Resolution.

Senator DeCamp, who offered a spirited defense of the Attorney General and insisted vigorously that absolutely no case exists for impeachment", declared that "in no case" would he vote for impeachment or any other action.

Senator Haberman was very reluctant to take up the Douglas matter at all.

Prior to consideration of the Resolution (while various members were questioning whether the Committee ought to do anything at all), I offered a succinct statement of my position and what I viewed as our responsibility. My statement:

> "Evidence from documents and the Attorney General's own written words and testimony to this Committee under oath, indicates that his nonaction contributed to an attempted coverup. As in the Watergate situation, we should ask: 'What did he know; when did he know it; what did he do as a result of such knowledge?' What would a prudent Attorney General have done?
>
> "As Legislators, we took an oath of office. We have a duty to uphold that oath and to defend the public welfare. We are policymakers. What we do in this case will fix our place for all time in the history of this Legislature. What we do will set a precedent. Either we shall, by our action, express approval of what the Attorney General has done; or we shall express disapproval.
>
> "Our responsibility cannot be delegated to anyone else. This matter of the Attorney General's conduct is a public issue dealing with the public interest. It must be resolved through a public act — our act as

a Legislature.

"The Legislature should decide; and it shall decide. There is no way the matter will be sidestepped. If this Committee decides simply to do nothing, I promise you that I shall offer a Resolution of Impeachment. And I promise you that the Legislature shall deal with it in the open. And the public will be able to witness our defenses and rationalizations."

I then briefly summed up my reasons for believing that the Attorney General's conduct had made him amenable to impeachment.

When the Committee finally voted overwhelmingly against impeachment; and because I am of the unshakable belief that the entire Legislature should dispose of the question before the public; and because I shall draft and introduce a Resolution of Impeachment — I tendered my written resignation from the Committee, to Chairman Vard Johnson. There is no way that, as a pricipled man, I can remain on the Committee.

The vote against impeachment was 10 - 5.

AGAINST: Barrett, Beyer, Carsten, Clark, DeCamp, Haberman, Nichol, Remmers, Schmit, Warner.

FOR: Beutler, Chambers, Johnson, Higgins, Labedz.

Following the vote and submission of my resignation, I left the meeting and know nothing of what took place thereafter.

(Signed) Ernie Chambers
State Senator

GENERAL FILE

LEGISLATIVE BILL 970. The Warner motion to indefinitely postpone was considered.

Mrs. Morehead moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Warner motion to indefinitely postpone lost with 6 ayes, 16 nays, 22 present and not voting, and 5 excused and not voting.

Mr. Landis offered the following amendment:

This act shall become operative on and after January 1, 1985.

Mr. Lundy requested a record vote on the Landis amendment.

Voting in the affirmative, 35:

Beutler Beyer Carsten Chronister Clark
Eret Fenger Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Kahle Kilgarin Lamb Landis
Lundy McDonald Morehead Newell Nichol
Peterson, R. Pirsch Rupp Scofield Sieck
Vickers Von Minden Wagner Warner Wesely

Voting in the negative, 0.

Present and not voting, 9:

Abboud Barrett Chambers DeCamp Goll
Johnson, R. Pappas Remmers Withem

Excused and not voting, 5:

Johnson, V. Labedz Marsh Peterson, H. Schmit

The Landis amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Lundy requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Abboud Barrett Beyer Carsten Chronister
Clark DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Jacobson Kahle Kilgarin
Landis Lundy McDonald Newell Nichol
Peterson, R. Remmers Rupp Scofield Sieck
Vickers Von Minden

Voting in the negative, 5:

Johnson, L. Lamb Morehead Pirsch Warner

Present and not voting, 7:

Beutler Chambers Johnson, R. Pappas Wagner
Wesely Withem

Excused and not voting, 5:

Johnson, V. Labedz Marsh Peterson, H. Schmit

Advanced to E & R for Review with 32 ayes, 5 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 915. Title read. Considered.

Pending.

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 827. Placed on General File.

LEGISLATIVE BILL 841. Placed on General File as amended.
Standing Committee amendments to LB 841:
AM2239

1. On page 2, line 9 and 12, strike "seventy-five dollars", show the old matter as stricken, and insert "sixty-two dollars and fifty cents"; in line 11 strike "fifty-five" and insert "forty-five"; in line 13 strike "forty dollars", show the old matter as stricken, and insert "thirty-two dollars and fifty cents", in line 16 strike "fifteen dollars", show the old matter as stricken, and insert "twelve dollars and fifty cents"; and in lines 20 and 21, 22 and 23, 24, and 25 strike "one hundred" and insert "seventy-five".

2. On page 3, line 1, strike "twenty" and insert "fifteen"; and in line 27 strike "fifteen dollars", show the old matter as stricken, and insert "twelve dollars and fifty cents".

3. On page 4, line 3, strike "twenty dollars", show the old matter as stricken, and insert "seventeen dollars and fifty cents"; in line 6 strike "fifteen dollars", show the old matter as stricken, and insert "twelve dollars and fifty cents"; in line 13 strike "twenty-five dollars", show the old matter as stricken, and insert "twenty-two dollars and fifty cents"; in line 18 strike "twenty" and insert "fifteen"; and in line 19 strike "forty" and insert "twenty".

(Signed) Jerome Warner, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 903A. By Fenger, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 903, Eighty-eighth Legislature, Second Session, 1984.

RESOLUTION

LEGISLATIVE RESOLUTION 277.

Introduced by Chambers, 11th District.

ARTICLES AND RESOLUTION OF IMPEACHMENT EXHIBITED BY THE EIGHTY-EIGHTH LEGISLATURE, SECOND SESSION, OF THE STATE OF NEBRASKA IN THE NAME OF THEMSELVES AND ALL THE PEOPLE OF THE STATE OF NEBRASKA AGAINST PAUL L. DOUGLAS, ATTORNEY GENERAL OF THE STATE OF NEBRASKA, IN MAINTENANCE OF AND SUPPORT OF THEIR IMPEACHMENT AGAINST HIM FOR MISDEMEANOR(S) IN OFFICE

WHEREAS:

GENERAL ALLEGATIONS

1. From 1974 to the present, Paul L. Douglas was the duly elected and acting Attorney General of the State of Nebraska;
2. During the years 1975 and 1976, Paul L. Douglas lost large sums of money in commodity speculation in a partnership, or joint venture, with Paul Galter;
3. During the years 1977 through 1979, Paul L. Douglas entered into various contracts for the purchase of certain real estate in Lancaster County, Nebraska, wherein Paul L. Douglas and Paul Galter appeared as purchasers and Marvin Copple appeared as seller;
4. During 1977, 1978, and 1979, Marvin Copple was a Director and or officer of Commonwealth Savings Company;
5. From 1973 through 1982, Paul L. Douglas engaged in various financial transactions involving directly, or indirectly, Marvin Copple, or, Judy Driscoll, or, Commonwealth Savings Company, an industrial loan and investment company, regulated by the Nebraska Department of Banking and Finance, as generally described in an Investigative Report, prepared by Officer Lowe of the Lincoln, Nebraska Police Department, which document is attached hereto and incorporated herein by reference as if set forth verbatim and which appears as an exhibit to this document;

6. At all material times, Judy Driscoll was an employee of Marvin Copple;

7. By virtue of transactions involving Marvin Copple, Commonwealth Savings Company, or, Judy Driscoll, including the purchase and sale of real estate and rendition of legal or quasi-legal services involving Paul L. Douglas, Paul L. Douglas received fees or commissions in sums in excess of $77,000.00;

8. On or about March 14, 1983, Paul L. Douglas received a letter from the Federal Bureau of Investigation generally detailing certain financial irregularities apparently occurring at Commonwealth Savings Company;

9. Shortly after the receipt of the aforementioned letter from the Federal Bureau of Investigation, Paul L. Douglas and Paul Amen, then Director of the Nebraska Department of Banking and Finance, met to discuss said letter and then, or thereafter, Paul L. Douglas acting as Attorney General, was requested to investigate, examine, or prosecute the alleged financial irregularities occurring at Commonwealth Savings Company;

10. On or about May 4, 1983, Ruth Anne Galter, an Assistant Attorney General, was assigned by, or with the consent of, Paul L. Douglas, acting as Attorney General, to represent the Nebraska Department of Banking and Finance regarding investigations, examinations, and prosecutions relative to "white collar" crime alleged to have occurred respecting matters within the jurisdiction of the Nebraska Department of Banking and Finance;

11. On or before May 4, 1983, Ruth Anne Galter was personally indebted to Commonwealth Savings Company;

12. At all material times, Paul L. Douglas was aware of the personal indebtedness of Ruth Anne Galter to Commonwealth Savings Company;

13. Ruth Anne Galter was the estranged wife of Paul Galter, and Paul L. Douglas was at all material times aware of such relationship;

14. During the spring of 1983, and after March 14, 1983, on an unknown date, Barry Lake, legal counsel to the Nebraska Department of Banking and Finance, informed Paul L. Douglas, acting as Attorney General, of possible crimes committed by Marvin Copple involving Commonwealth Savings Company;

15. During July of 1983, on an unknown date, Ruth Anne Galter informed Paul L. Douglas, acting as Attorney General, of possible crimes committed by Marvin Copple involving Commonwealth Savings Company;

16. On one or more occasions in the spring and summer of 1983, Ruth Anne Galter met with representatives of the Federal Bureau of Investigation and was provided certain information regarding possible criminal activity occurring at Commonwealth Savings Company;

17. On or after March 14, 1983, the Nebraska Department of Banking and Finance furnished, or would have furnished upon request, to the office of the Attorney General all of the information concerning possible criminal activity at Commonwealth Savings Company which was then known to the employees of the Nebraska Department of Banking and Finance;

18. Beyond speaking with certain officials of the Federal Bureau of Investigation, the United States Attorney, employees of the Nebraska Department of Banking and Finance, and examining an examination report, nothing of substance was done by Paul L. Douglas, or his subordinate, Ruth Anne Galter, concerning the alleged criminal activity involving Commonwealth Savings Company or Marvin Copple from March 14, 1983, until October 25, 1983;

19. On October 25, 1983, Ruth Anne Galter requested examination reports respecting Commonwealth Savings Company from the Nebraska Department of Banking and Finance;

20. Prior to November 1, 1983, at no time did Paul L. Douglas disclose to anyone in the office of the Attorney General, including Ruth Anne Galter, nor did he disclose to anyone at the Nebraska Department of Banking and Finance, the specific nature of his financial involvement with Commonwealth Savings Company, Marvin Copple or Judy Driscoll;

21. On or about the first day of November, 1983, Commonwealth Savings Company was declared insolvent;

22. Subsequent to the declaration of insolvency, on or about November 18, 1983, Paul L. Douglas disqualified himself and appointed David Domina as a Special Assistant Attorney General to represent the State of Nebraska in all matters having to do with Commonwealth Savings Company;

23. David Domina took sworn statements of Paul L. Douglas on two occasions in November and December of 1983 respecting the question of official wrongdoing by public officials in connection with the failure of Commonwealth Savings Company;

24. David Domina took sworn statements, and acquired other evidence, respecting the question of official wrongdoing by public officials in regard to the failure of Commonwealth Savings Company;

25. On January 20, 1984, David Domina, together with John Miller, Special Assistant Director of the Department of Banking and Finance, issued a written report respecting the conduct of certain public officials, including Paul L. Douglas relative to the Commonwealth Savings Company matter;

26. On or about January 20, 1984, the Special Commonwealth Committee of the Legislature, which had been established by the Eighty-Eighth Legislature, Second Session, of the State of Nebraska, to inquire into, among other things, the conduct of the Attorney General,

invited written responses to the report of David Domina and John Miller dated January 20, 1984, from, among other persons, Paul L. Douglas and Ruth Anne Galter;

27. Subsequent to January 20, 1984, Paul L. Douglas and Ruth Anne Galter submitted written responses to the Special Commonwealth Committee of the Legislature;

28. On February 24, 1984, and February 25, 1984, the Special Commonwealth Committee of the Legislature held an investigative hearing to inquire into the conduct of Paul L. Douglas as Attorney General, and attached hereto as Exhibit "A", and incorporated herein by reference as if set forth verbatim, is the two volume transcript of said hearing, and attached hereto as Exhibit "B", and incorporated herein by reference as if set forth verbatim, are the Exhibits offered into the hearing record at said hearing;

29. At all material times Paul L. Douglas was admitted to practice law in the State of Nebraska;

30. By virtue of some or all of the acts or omissions alleged herein and hereinafter Paul L. Douglas did violate some provision of the Constitution of the State of Nebraska or statute of the State of Nebraska which is denounced as a crime or misdemeanor, or did willfully neglect his duty as Attorney General, with corrupt intention, or did negligently fail to do his duty as Attorney General in a gross manner as to warrant the inference that such failure was willful and corrupt;

SPECIFICATION NUMBER ONE - DUTY NOT TO MISREPRESENT

1. The general allegations hereinabove recited are incorporated herein as if set forth verbatim;

2. Paul L. Douglas did knowingly misrepresent his knowledge of his receipt of $32,500.00 from Marvin Copple to David Domina in a sworn statement;

3. As a consequence of such knowing misrepresentation, Paul L. Douglas did violate:

A. The Code of Professional Responsibility adopted by the Nebraska Supreme Court, specifically including, but not limited to, DR 1-102 (A); or,

B. Neb. Rev. Stat § 28-901 relating to obstructing governmental operations; or,

C. Neb. Rev. Stat. § 28-924 relating to official misconduct; or,

D. Neb. Rev. Stat § 7-105 relating to the duties of an attorney; or,

E. Neb. Rev. Stat. § 7-106 relating to deceit or collusion by an attorney.

SPECIFICATION NUMBER TWO - DUTY NOT TO LIE

1. The general allegations hereinabove recited are incorporated herein as if set forth verbatim;

2. Paul L. Douglas did knowingly misrepresent or knowingly lie to David Domina in a sworn statement, or, to the Counsel on Discipline of the Nebraska State Bar Association in a letter dated on or about December 13, 1983, or, to the Special Commonwealth Committee of the Legislature in a letter response dated on or about February 6, 1984, regarding the issue of whether Paul L. Douglas had knowledge that certain lots purchased from Paul L. Douglas and Paul Galter by one Judy Driscoll were financed by Commonwealth Savings Company;

3. As a consequence of such knowing misrepresentation or knowing lie, Paul L. Douglas did violate:

A. The Code of Professional Responsibility adopted by the Nebraska Supreme Court, specifically including, but not limited to, DR 1-102(A); or,

B. Neb. Rev. Stat. § 28-901 relating to obstructing governmental operations; or,

C. Neb. Rev. Stat. § 28-924 relating to official misconduct; or,

D. Neb. Rev. Stat. § 7-105 relating to the duties of an attorney; or,

E. Neb. Rev. Stat. § 7-106 relating to deceit or collusion by attorneys.

SPECIFICATION NUMBER THREE - DUTY TO DISQUALIFY

1. The general allegations hereinabove recited are incorporated herein as if set forth verbatim;

2. On or about March 14, 1983, Paul L. Douglas in his capacity as Attorney General was notified by virtue of a letter received from the Federal Bureau of Investigation of certain transactions, which were possibly criminal in nature, occurring at Commonwealth Savings Company, and which were similar in nature to certain transactions in which he had engaged in at Commonwealth Savings Company;

3. In the spring of 1983, Paul L. Douglas was informed that Marvin Copple may be guilty of crimes involving Commonwealth Savings Company;

4. In July of 1983, Paul L. Douglas was informed that Marvin Copple may be guilty of crimes involving Commonwealth Savings Company;

5. That at all pertinent times, Paul L. Douglas was acting in his capacity as Attorney General of the State of Nebraska;

6. That notwithstanding Paul L. Douglas' previous business relationships with Marvin Copple and Commonwealth Savings Company, Paul L. Douglas acting in his capacity as Attorney General of the State of Nebraska, accepted employment from the State of Nebraska regarding possible criminal activities involving Marvin Copple or Commonwealth Savings Company without obtaining the consent of his client, the State of Nebraska, after full disclosure at a

time when the exercise of his professional judgment on behalf of his client, the State of Nebraska, would be or reasonably might be affected by his financial, business, property, or personal interests;

7. Notwithstanding Paul L. Douglas' previous financial and business dealings with Marvin Copple or Commonwealth Savings Company, Paul L. Douglas failed to decline proffered employment from the State of Nebraska respecting the possible criminal activities regarding Marvin Copple or Commonwealth Savings Company at a time when the exercise of his independent professional judgment, in behalf of his client, the State of Nebraska, was or might likely be, adversely affected by the acceptance of the proffered employment;

8. As a consequence of such actions, Paul L. Douglas did violate:

A. The Code of Professional Responsibility adopted by the Nebraska Supreme Court, specifically including, but not limited to, DR 5-101 (A); or,

B. The Code of Professional Responsibility adopted by the Nebraska Supreme Court, specifically including, but not limited to, DR 5-105 (A).

SPECIFICATION NUMBER FOUR - DUTY TO AVOID INSIDER BORROWING

1. The general allegations hereinabove recited are incorporated herein as if set forth verbatim;

2. During 1979, Marvin Copple was an officer or Director of Commonwealth Savings Company;

3. On or about August 18, 1979, Marvin Copple borrowed from Commonwealth Savings Company, directly or indirectly, without first having secured the approval of the Board of Directors of such industrial loan and investment company, the sum of $100,500.00, and Paul L. Douglas aided, abetted or assisted in such borrowing;

4. As a consequence of the foregoing, Paul L. Douglas violated the provisions of Neb. Rev. Stat. § 8-409.06.

SPECIFICATION NUMBER FIVE - DUTY TO INVESTIGATE

1. The general allegations hereinabove recited are incorporated herein as if set forth verbatim;

2. On or about March 14, 1983, Paul L. Douglas received a copy of a letter from the Federal Bureau of Investigation generally describing financial irregularities occurring at Commonwealth Savings Company;

3. Sometime in March, 1983, Paul L. Douglas met with Barry Lake and Paul Amen, and possibly others, to discuss the F.B.I. letter and financial irregularities;

4. In the spring of 1983, on a date unknown, Barry Lake advised Paul L. Douglas of possible criminal activity involving Marvin Copple and

Commonwealth Savings Company;

5. On or about May 4, 1983, Paul L. Douglas assigned, or consented to the assignment of, Ruth Anne Galter, an Assistant Attorney General, to the Nebraska Department of Banking and Finance for the purpose of assisting said Department in prosecuting "white collar" crime;

6. At all material times, Paul L. Douglas was aware of the fact that Ruth Anne Galter was personally indebted to Commonwealth Savings Company for large sums of money and that she was the estranged wife of Paul Galter;

7. In July of 1983, on a date not known, Ruth Anne Galter advised Paul L. Douglas of the possibility of criminal activity involving Marvin Copple and Commonwealth Savings Company;

8. The Nebraska Department of Banking and Finance made available or would have made available to Paul L. Douglas or Ruth Anne Galter all information it had in its possession regarding alleged criminal activity involving Marvin Copple or Commonwealth Savings Company from and after March 14, 1983;

9. Substantially nothing was done to prosecute or investigate Marvin Copple or Commonwealth Savings Company, from March 14, 1983, until Commonwealth Savings Company was declared insolvent on November 1, 1983, by Paul L. Douglas or any of his subordinates;

10. By virtue of the foregoing, Paul L. Douglas violated the provisions of Neb. Rev. Stat. 84-205 (4) and other laws of the State of Nebraska generally.

SPECIFICATION NUMBER SIX - DUTY TO AVOID EVEN THE APPEARANCE OF IMPROPRIETY

1. The general allegations hereinabove recited are incorporated herein as if set forth verbatim;

2. From approximately 1973 until approximately 1982, Paul L. Douglas engaged in various business transactions with Marvin Copple, Judy Driscoll, or Commonwealth Savings Company which were not in the ordinary course of business, all as more specifically described in the report of Officer Lowe of the Lincoln Police Department, dated February 21, 1984, and the report of David Domina and John Miller, dated January 20, 1984;

3. Paul L. Douglas did not fully and openly and honestly cooperate with Special Assistant Attorney General David Domina in Mr. Domina's investigation into possible acts of official wrongdoing;

4. As a result of the foregoing, Paul L. Douglas violated:

A. The Code of Professional Responsibility adopted by the Nebraska Supreme Court including, but not limited to, DR 1-102, or,

B. The Code of Professional Responsibility adopted by the Nebraska Supreme Court, including, but not limited to, the ethical considerations related DR 8; or,

C. The Code of Professional Responsibility adopted by the Nebraska Supreme Court, including, but not limited to, the ethical considerations related to DR 9; or,

D. Neb. Rev. Stat. § 7-105 relating to the duties of attorneys; or,

E. Neb. Rev. Stat. § 7-106 relating to deceit or collusion by attorneys; or,

F. Neb. Rev. Stat. § 28-901 relating to obstructing governmental operations; or,

G. Neb. Rev. Stat. § 28-924 relating to official misconduct.

NOW, THEREFORE, BE IT RESOLVED, that Paul L. Douglas, Attorney General of the State of Nebraska is hereby impeached, saving unto the Legislature of the State of Nebraska at any time hereafter any further articles or other accusations or impeachment against the said Paul L. Douglas, and also of replying to his answers which he shall make to the articles herein preferred against him, and of offering proof to the same and every part thereof, and all and every other article, accusation or impeachment which shall be exhibited as the case shall require, and do now demand that the said Paul L. Douglas be put to answer the misdemeanor(s) in office herein charged against him, and that such proceedings, examination, trials, and judgements may be thereupon had and given as may be agreeable to law and justice.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 970A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 970, Eighty-eighth Legislature, Second Session, 1984.

GENERAL FILE

LEGISLATIVE BILL 915. Considered.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp renewed his pending amendment, AM1906, found in the Journal on page 1146.

Mr. R. Johnson asked unanimous consent to be excused until he

returns. No objections. So ordered.

The DeCamp amendment lost with 8 ayes, 16 nays, 18 present and not voting, and 7 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 278.

Introduced by V. Johnson, 8th District; Warner, 25th District; Carsten, 2nd District; Barrett, 39th District; Higgins, 9th District; Wagner, 41st District; Beutler, 28th District; Beyer, 3rd District.

RESOLUTION OF CONDEMNATION EXHIBITED BY THE EIGHTY-EIGHTH LEGISLATURE, SECOND SESSION, OF THE STATE OF NEBRASKA IN THE NAME OF THEMSELVES AND ALL THE PEOPLE OF THE STATE OF NEBRASKA AGAINST PAUL L. DOUGLAS, ATTORNEY GENERAL OF THE STATE OF NEBRASKA,

WHEREAS:

GENERAL ALLEGATIONS

1. From 1974 to the present, Paul L. Douglas was the duly elected and acting Attorney General of the State of Nebraska;
2. During the years 1975 and 1976, Paul L. Douglas lost large sums of money in commodity speculation in a partnership, or joint venture, with Paul Galter;
3. During the years 1977 through 1979, Paul L. Douglas entered into various contracts for the purchase of certain real estate in Lancaster County, Nebraska, wherein Paul L. Douglas and Paul Galter appeared as purchasers and Marvin Copple appeared as seller;
4. During 1977, 1978, and 1979, Marvin Copple was a Director and or officer of Commonwealth Savings Company;
5. From 1973 through 1982, Paul L. Douglas engaged in various financial transactions involving directly, or indirectly, Marvin Copple, or, Judy Driscoll, or, Commonwealth Savings Company, an industrial loan and investment company, regulated by the Nebraska Department of Banking and Finance, as generally described in an Investigative Report, prepared by Officer Lowe of the Lincoln, Nebraska Police Department, which document is attached hereto and incorporated herein by reference as if set forth verbatim and which appears as an exhibit to this document;
6. At all material times, Judy Driscoll was an employee of Marvin Copple;

7. By virtue of transactions involving Marvin Copple, Commonwealth Savings Company, or, Judy Driscoll, including the purchase and sale of real estate and rendition of legal or quasi-legal services involving Paul L. Douglas, Paul L. Douglas received fees or commissions in sums in excess of $77,000.00;

8. On or about March 14, 1983, Paul L. Douglas received a letter from the Federal Bureau of Investigation generally detailing certain financial irregularities apparently occurring at Commonwealth Savings Company;

9. Shortly after the receipt of the aforementioned letter from the Federal Bureau of Investigation, Paul L. Douglas and Paul Amen, then Director of the Nebraska Department of Banking and Finance, met to discuss said letter and then, or thereafter, Paul L. Douglas acting as Attorney General, was requested to investigate, examine, or prosecute the alleged financial irregularities occurring at Commonwealth Savings Company;

10. On or about May 4, 1983, Ruth Anne Galter, an Assistant Attorney General, was assigned by, or with the consent of, Paul L. Douglas, acting as Attorney General, to represent the Nebraska Department of Banking and Finance regarding investigations, examinations, and prosecutions relative to "white collar" crime alleged to have occurred respecting matters within the jurisdiction of the Nebraska Department of Banking and Finance;

11. On or before May 4, 1983, Ruth Anne Galter was personally indebted to Commonwealth Savings Company;

12. At all material times, Paul L. Douglas was aware of the personal indebtedness of Ruth Anne Galter to Commonwealth Savings Company;

13. Ruth Anne Galter was the estranged wife of Paul Galter, and Paul L. Douglas was at all material times aware of such relationship;

14. During the spring of 1983, and after March 14, 1983, on an unknown date, Barry Lake, legal counsel to the Nebraska Department of Banking and Finance, informed Paul L. Douglas, acting as Attorney General, of possible crimes committed by Marvin Copple involving Commonwealth Savings Company;

15. During July of 1983, on an unknown date, Ruth Anne Galter informed Paul L. Douglas, acting as Attorney General, of possible crimes committed by Marvin Copple involving Commonwealth Savings Company;

16. On one or more occasions in the spring and summer of 1983, Ruth Anne Galter met with representatives of the Federal Bureau of Investigation and was provided certain information regarding possible criminal activity occurring at Commonwealth Savings Company;

17. On or after March 14, 1983, the Nebraska Department of Banking and Finance furnished, or would have furnished upon

request, to the office of the Attorney General all of the information concerning possible criminal activity at Commonwealth Savings Company which was then known to the employees of the Nebraska Department of Banking and Finance;

18. Beyond speaking with certain officials of the Federal Bureau of Investigation, the United States Attorney, employees of the Nebraska Department of Banking and Finance, and examining an examination report, nothing of substance was done by Paul L. Douglas, or his subordinate, Ruth Anne Galter, concerning the alleged criminal activity involving Commonwealth Savings Company or Marvin Copple from March 14, 1983, until October 25, 1983;

19. On October 25, 1983, Ruth Anne Galter requested examination reports respecting Commonwealth Savings Company from the Nebraska Department of Banking and Finance;

20. Prior to November 1, 1983, at no time did Paul L. Douglas disclose to anyone in the office of the Attorney General, including Ruth Anne Galter, nor did he disclose to anyone at the Nebraska Department of Banking and Finance, the specific nature of his financial involvement with Commonwealth Savings Company, Marvin Copple or Judy Driscoll;

21. On or about the first day of November, 1983, Commonwealth Savings Company was declared insolvent;

22. Subsequent to the declaration of insolvency, on or about November 18, 1983, Paul L. Douglas disqualified himself and appointed David Domina as a Special Assistant Attorney General to represent the State of Nebraska in all matters having to do with Commonwealth Savings Company;

23. David Domina took sworn statements of Paul L. Douglas on two occasions in November and December of 1983 respecting the question of official wrongdoing by public officials in connection with the failure of Commonwealth Savings Company;

24. David Domina took sworn statements, and acquired other evidence, respecting the question of official wrongdoing by public officials in regard to the failure of Commonwealth Savings Company;

25. On January 20, 1984, David Domina, together with John Miller, Special Assistant Director of the Department of Banking and Finance, issued a written report respecting the conduct of certain public officials, including Paul L. Douglas relative to the Commonwealth Savings Company matter;

26. On or about January 20, 1984, the Special Commonwealth Committee of the Legislature, which had been established by the Eighty-Eighth Legislature, Second Session, of the State of Nebraska, to inquire into, among other things, the conduct of the Attorney General, invited written responses to the report of David Domina and John Miller dated January 20, 1984, from, among other persons, Paul L.

Douglas and Ruth Anne Galter;

27. Subsequent to January 20, 1984, Paul L. Douglas and Ruth Anne Galter submitted written responses to the Special Commonwealth Committee of the Legislature;

28. On February 24, 1984, and February 25, 1984, the Special Commonwealth Committee of the Legislature held an investigative hearing to inquire into the conduct of Paul L. Douglas as Attorney General, and attached hereto as Exhibit "A", and incorporated herein by reference as if set forth verbatim, is the two volume transcript of said hearing, and attached hereto as Exhibit "B", and incorporated herein by reference as if set forth verbatim, are the Exhibits offered into the hearing record at said hearing;

29. At all material times Paul L. Douglas was admitted to practice law in the State of Nebraska;

30. By virtue of some or all of the acts or omissions alleged herein and hereinafter Paul L. Douglas did violate some provision of the Constitution of the State of Nebraska or statute of the State of Nebraska which is denounced as a crime or misdemeanor, or did willfully neglect his duty as Attorney General, with corrupt intention, or did negligently fail to do his duty as Attorney General in a gross manner as to warrant the inference that such failure was willful and corrupt;

SPECIFICATION NUMBER ONE - DUTY NOT TO MISREPRESENT

1. The general allegations hereinabove recited are incorporated herein as if set forth verbatim;

2. Paul L. Douglas did knowingly misrepresent his knowledge of his receipt of $32,500.00 from Marvin Copple to David Domina in a sworn statement;

3. As a consequence of such knowing misrepresentation, Paul L. Douglas did violate:

A. The Code of Professional Responsibility adopted by the Nebraska Supreme Court, specifically including, but not limited to, DR 1-102 (A); or,

B. Neb. Rev. Stat § 28-901 relating to obstructing governmental operations; or,

C. Neb. Rev. Stat. § 28-924 relating to official misconduct; or,

D. Neb. Rev. Stat § 7-105 relating to the duties of an attorney; or,

E. Neb. Rev. Stat. § 7-106 relating to deceit or collusion by an attorney.

SPECIFICATION NUMBER TWO - DUTY NOT TO LIE

1. The general allegations hereinabove recited are incorporated

herein as if set forth verbatim;

2. Paul L. Douglas did knowingly misrepresent or knowingly lie to David Domina in a sworn statement, or, to the Counsel on Discipline of the Nebraska State Bar Association in a letter dated on or about December 13, 1983, or, to the Special Commonwealth Committee of the Legislature in a letter response dated on or about February 6, 1984, regarding the issue of whether Paul L. Douglas had knowledge that certain lots purchased from Paul L. Douglas and Paul Galter by one Judy Driscoll were financed by Commonwealth Savings Company;

3. As a consequence of such knowing misrepresentation or knowing lie, Paul L. Douglas did violate:

A. The Code of Professional Responsibility adopted by the Nebraska Supreme Court, specifically including, but not limited to, DR 1-102(A); or,

B. Neb. Rev. Stat. § 28-901 relating to obstructing governmental operations; or,

C. Neb. Rev. Stat. § 28-924 relating to official misconduct; or,

D. Neb. Rev. Stat. § 7-105 relating to the duties of an attorney; or,

E. Neb. Rev. Stat. § 7-106 relating to deceit or collusion by attorneys.

SPECIFICATION NUMBER THREE - DUTY TO DISQUALIFY

1. The general allegations hereinabove recited are incorporated herein as if set forth verbatim;

2. On or about March 14, 1983, Paul L. Douglas in his capacity as Attorney General was notified by virtue of a letter received from the Federal Bureau of Investigation of certain transactions, which were possibly criminal in nature, occurring at Commonwealth Savings Company, and which were similar in nature to certain transactions in which he had engaged in at Commonwealth Savings Company;

3. In the spring of 1983, Paul L. Douglas was informed that Marvin Copple may be guilty of crimes involving Commonwealth Savings Company;

4. In July of 1983, Paul L. Douglas was informed that Marvin Copple may be guilty of crimes involving Commonwealth Savings Company;

5. That at all pertinent times, Paul L. Douglas was acting in his capacity as Attorney General of the State of Nebraska;

6. That notwithstanding Paul L. Douglas' previous business relationships with Marvin Copple and Commonwealth Savings Company, Paul L. Douglas acting in his capacity as Attorney General of the State of Nebraska, accepted employment from the State of Nebraska regarding possible criminal activities involving Marvin Copple or Commonwealth Savings Company without obtaining the consent of his client, the State of Nebraska, after full disclosure at a time when the exercise of his professional judgment on behalf of his

client, the State of Nebraska, would be or reasonably might be affected by his financial, business, property, or personal interests;

7. Notwithstanding Paul L. Douglas' previous financial and business dealings with Marvin Copple or Commonwealth Savings Company, Paul L. Douglas failed to decline proffered employment from the State of Nebraska respecting the possible criminal activities regarding Marvin Copple or Commonwealth Savings Company at a time when the exercise of his independent professional judgment, in behalf of his client, the State of Nebraska, was or might likely be, adversely affected by the acceptance of the proffered employment;

8. As a consequence of such actions, Paul L. Douglas did violate:

A. The Code of Professional Responsibility adopted by the Nebraska Supreme Court, specifically including, but not limited to, DR 5-101 (A); or,

B. The Code of Professional Responsibility adopted by the Nebraska Supreme Court, specifically including, but not limited to, DR 5-105 (A).

SPECIFICATION NUMBER FOUR - DUTY TO AVOID INSIDER BORROWING

1. The general allegations hereinabove recited are incorporated herein as if set forth verbatim;

2. During 1979, Marvin Copple was an officer or Director of Commonwealth Savings Company;

3. On or about August 18, 1979, Marvin Copple borrowed from Commonwealth Savings Company, directly or indirectly, without first having secured the approval of the Board of Directors of such industrial loan and investment company, the sum of $100,500.00, and Paul L. Douglas aided, abetted or assisted in such borrowing;

4. As a consequence of the foregoing, Paul L. Douglas violated the provisions of Neb. Rev. Stat. § 8-409.06.

SPECIFICATION NUMBER FIVE - DUTY TO INVESTIGATE

1. The general allegations hereinabove recited are incorporated herein as if set forth verbatim;

2. On or about March 14, 1983, Paul L. Douglas received a copy of a letter from the Federal Bureau of Investigation generally describing financial irregularities occurring at Commonwealth Savings Company;

3. Sometime in March, 1983, Paul L. Douglas met with Barry Lake and Paul Amen, and possibly others, to discuss the F.B.I. letter and financial irregularities;

4. In the spring of 1983, on a date unknown, Barry Lake advised Paul L. Douglas of possible criminal activity involving Marvin Copple and Commonwealth Savings Company;

5. On or about May 4, 1983, Paul L. Douglas assigned, or consented to the assignment of, Ruth Anne Galter, an Assistant Attorney General, to the Nebraska Department of Banking and Finance for the purpose of assisting said Department in prosecuting "white collar" crime;

6. At all material times, Paul L. Douglas was aware of the fact that Ruth Anne Galter was personally indebted to Commonwealth Savings Company for large sums of money and that she was the estranged wife of Paul Galter;

7. In July of 1983, on a date not known, Ruth Anne Galter advised Paul L. Douglas of the possibility of criminal activity involving Marvin Copple and Commonwealth Savings Company;

8. The Nebraska Department of Banking and Finance made available or would have made available to Paul L. Douglas or Ruth Anne Galter all information it had in its possession regarding alleged criminal activity involving Marvin Copple or Commonwealth Savings Company from and after March 14, 1983;

9. Substantially nothing was done to prosecute or investigate Marvin Copple or Commonwealth Savings Company, from March 14, 1983, until Commonwealth Savings Company was declared insolvent on November 1, 1983, by Paul L. Douglas or any of his subordinates;

10. By virtue of the foregoing, Paul L. Douglas violated the provisions of Neb. Rev. Stat. 84-205 (4) and other laws of the State of Nebraska generally.

SPECIFICATION NUMBER SIX - DUTY TO AVOID EVEN THE APPEARANCE OF IMPROPRIETY

1. The general allegations hereinabove recited are incorporated herein as if set forth verbatim;

2. From approximately 1973 until approximately 1982, Paul L. Douglas engaged in various business transactions with Marvin Copple, Judy Driscoll, or Commonwealth Savings Company which were not in the ordinary course of business, all as more specifically described in the report of Officer Lowe of the Lincoln Police Department, dated February 21, 1984, and the report of David Domina and John Miller, dated January 20, 1984;

3. Paul L. Douglas did not fully and openly and honestly cooperate with Special Assistant Attorney General David Domina in Mr. Domina's investigation into possible acts of official wrongdoing;

4. As a result of the foregoing, Paul L. Douglas violated:

A. The Code of Professional Responsibility adopted by the Nebraska Supreme Court including, but not limited to, DR 1-102, or,

B. The Code of Professional Responsibility adopted by the Nebraska Supreme Court, including, but not limited to, the ethical considerations related DR 8; or,

C. The Code of Professional Responsibility adopted by the Nebraska Supreme Court, including, but not limited to, the ethical considerations related to DR 9; or,

D. Neb. Rev. Stat. § 7-105 relating to the duties of attorneys; or,

E. Neb. Rev. Stat. § 7-106 relating to deceit or collusion by attorneys; or,

F. Neb. Rev. Stat. § 28-901 relating to obstructing governmental operations; or,

G. Neb. Rev. Stat. § 28-924 relating to official misconduct.

NOW, THEREFORE, BE IT RESOLVED, that the actions or omissions of Paul L. Douglas, Attorney General of the State of Nebraska, herein set forth, are hereby condemned.

Laid over.

VISITORS

Visitors to the Chamber were Dr. Michael E. Green from Scottsbluff; 40 women from the American Association of University Women; 20 Wilcox High School seniors and teacher from Wilcox; Mr. and Mrs. John Guinan and son from Omaha; 85 students and teachers from Bryan High School in Omaha; 40 seniors and teachers from Dodge; and B. Rothiwell from Hyannis.

RECESS

At 12:03 p.m., on a motion by Mr. Von Minden, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. H. Peterson who were excused; and Messrs. Beutler, Haberman, Hannibal, Hoagland, R. Johnson, V. Johnson, Lamb, Newell, R. Peterson, Schmit, Sieck, Vickers, Warner, Mesdames Labedz, Morehead, Miss Kilgarin, and Ms. Scofield who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

March 2, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Director, Department of Correctional Services, requiring legislative confirmation:

Frank O. Gunter, 7308 Harps Mill Road, Raleigh, NC 27609, Phone: (919) 847-1355 (h) (919) 733-3155 (o) Term: 3/26/84 - Pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendment to LB 886 in the Journal. No objections. So ordered.

AM2237
(Amendments to the Standing Committee Amendments)

1. On page 1, strike beginning with "2" in line 1 through "in" in line 5 and insert "3,".

2. Insert new amendments as follows:

"2. Strike original section 3.

3. On page 4, line 25, strike ", 68-131,".

4. Renumber remaining sections accordingly.".

GENERAL FILE

LEGISLATIVE BILL 915. Mr. Pappas renewed his pending amendment found in the Journal on page 1188.

Mr. Pappas moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Pappas amendment lost with 9 ayes, 20 nays, 12 present and not voting, and 8 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1270. No objections. So ordered.

Mrs. Higgins moved to indefinitely postpone LB 915.

Mrs. Higgins asked unanimous consent to withdraw her pending motion. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 8 nays, 9 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 962 in the Journal. No objections. So ordered.

AM2269

1. On page 4, lines 20 and 26, strike "and the county court".

2. On page 5, line 5, strike "and the county court".

3. On page 33, line 26, strike "five" and insert "one"; and in line 27 strike "three times the purchase price" and insert "ten times the tax".

4. On page 37, line 5, strike "five" and insert "one" and strike "three times the purchase" and insert "ten times the tax"; and in line 6 strike "price".

5. On page 62, strike beginning with "Any" in line 6 through the period in line 10.

6. Strike original sections 14 and 30.

7. On page 83, strike lines 11 through 27.

8. On page 84, strike lines 1 through 14; and in line 15 strike the new matter and reinstate the stricken matter.

9. On page 85, line 6, strike the new matter; in lines 7 and 15 strike the new matter and reinstate the stricken matter; and strike lines 22 through 27.

10. On page 86, strike lines 1 through 5.

11. On page 90, lines 11 and 12, strike "corporate franchise," and strike beginning with "Such" in line 24 through line 27 and show as stricken.

12. On page 91, strike lines 1 through 3 and show as stricken.

13. On page 99, line 11, strike "19 and 40"

and insert “18 and 38”; in line 13 strike “26” and insert “25”; in line 21 strike “77-2786,”; and in line 26 strike “77-2712,”.

14. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 902. Title read. Considered.

Standing Committee amendments, AM1968, found in the Journal on page 950 for the Twenty-Seventh Day were considered.

Mr. Wesely offered the following amendment to the Standing Committee amendments:

AM2234

1. Strike committee amendments 1 through 7 and insert:

“1. On page 2, line 1, strike “12” and insert “13”; in line 3 strike “6” and insert “7”; in line 11 after the comma insert “prepaid dental service plan as defined in section 44- 3802,”; in line 16 after “contract,” insert “or combination thereof,”; in line 19 strike “or” and insert an underscored comma and after “administrator,” insert “or group health insurance plan with an insurer, or any combination thereof,”; in line 23 strike “for lower fees” and insert “in a manner reasonably expected to contain or lower costs”; and in line 24 after “arrangements” insert “or an insurer or participant organized as a provider of health services providing such services under a preferred provider contract”.

2. On page 3, line 9, strike “for” and insert “to purchase”; and in line 14 strike “which offers” and insert “including”.

3. On page 4, line 4, after the underscored period insert “An organization of preferred providers may limit itself to one or more specific professions or specialties within a profession, as defined in Chapter 71, and may limit the number of participating providers to that required to adequately meet the need for its particular program and the purpose of sections 1 to 13 of this act to furnish health services in a manner reasonably expected to contain or lower costs.”; in line 6 strike “8” and insert “9”; in line 9 after “her” insert “by an insurer or participant in an insurance arrangement”; in line 11 after the third comma insert

"method of payment,"; in line 24 strike "of a group health" and insert "under an"; in line 25 strike "plan" and insert "arrangement"; in line 26 strike "full"; and in line 27 after "plan" insert "at the least direct expense to the insured".

4. On page 5, strike beginning with "costs" in line 1 through "contract" in line 3 and insert "difference between the benefits available under a preferred provider contract and the charges of the nonpreferred provider"; and in line 4 after the underscored period insert "Under a prepaid dental service plan as defined in section 44-3802, a participant's premium contribution for health services provided by nonpreferred providers to an insured shall be an amount equal to the participant's contribution pursuant to a preferred provider contract.".

5. On page 5, line 18; page 6, in lines 12 and 25; and page 10, line 7, strike "12" and insert "13".

6. Insert the following new section:

"Sec. 5. Participant or participant in an insurance arrangement shall mean any employer, union, or other organization providing health care services or benefits to its employees or members through an insurance arrangement.".

7. Renumber original sections 5 to 19 as section 6 to 20 respectively.".

The Wesely amendment was adopted with 12 ayes, 0 nays, 30 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 825. Title read. Considered.

Standing Committee amendments, AM1928, found in the Journal on page 989 for the Twenty-Ninth Day and considered on page 1280 were renewed.

Mr. Newell offered the following amendment to the Standing Committee amendments:

AM2290

1. On page 1, line 8, strike “, 10,”.

2. Insert the following new amendments:

“4. On page 16, line 24, before ‘No’ insert ‘(1)’.

5. On page 18, line 3, after the period ‘The county assessor shall also include an affirmation statement form in each mailing made pursuant to section 77-1240. Such affirmation form shall explain that by placing his or her signature and the date of such signing on the form, the registrant acknowledges that, under penalties of law, the motor vehicle to be registered meets the requirements of subsection 2 of this section.’; and after line 9 insert the following new subsection:

‘(2)(a) For the purposes of the affirmation statement form prescribed in subsection (1) of this section, the Tax Commissioner shall establish a procedure whereby using such form, high-mileage vehicles are valued at seventy-five per cent of the value assigned to low-mileage vehicles.

For the purposes of this subsection, unless the context otherwise requires:

(i) Passenger car or van shall mean a truck or pickup truck with a gross weight of less than four tons;

(ii) Light truck shall mean a truck or pickup truck with a gross weight of less than four tons;

(iii) Low-mileage vehicle shall mean a passenger car, van, or light truck with an actual odometer reading of twenty thousand miles or less per year of age of the motor vehicle; and

(iv) High-mileage vehicle shall mean a passenger car, van, or light truck with an actual odometer reading of twenty thousand miles or more per year of age of the motor vehicle. Once a passenger car, van, or light truck has an actual odometer reading of at least eighty-thousand miles or is eight years of age, it shall forever be deemed a high-mileage vehicle.

(b) The age of the motor vehicle shall be determined by subtracting the manufacturer’s year designation of such vehicle from the year in which the registration fee is paid. If any motor vehicle has the same manufacturer’s year designation as the year in which the registration fee is paid or if any motor vehicle has a manufacturer’s year designation later than the year in which the registration fee is paid, then such vehicle shall be deemed to be one year old. For the purposes of this subsection, manufacturer's year designation shall mean the model year designated by the motor vehicle manufacturer and not the year in which such vehicle is in fact manufacturered.

(c) Any person who sings the affirmation statement knowing that his or her motor vehicle does not meet the requirements of this subsection shall be guilty of a Class I misdemeanor.’.

3. On page 2, line 14, strike “19 to 22, 29, 31, and 34” and insert “20 to 23, 30, 32, and 35”; and in line 20 strike “19” and insert “20”.

4. On page 3, line 3, strike “29” and insert “30”.

5. On page 4, line 2, strike “19 to 22, 29, 31, and 34” and insert “20 to 23, 30, 32, and 35”; in line 4 strike “60-302,”; in line 9 strike “9” and insert “10”; in lines 10 and 11 strike “8, 9 to 15, and 16 to 39” and insert “9, 10 to 16, and 17 to 40”.

6. Renumber the remaining amendments accordingly.

The Newell amendment lost with 1 aye, 10 nays, 33 present and not voting, and 5 excused and not voting.

Mr. Newell requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

The first Standing Committee amendments are all of the Standing Committee amendments except to strike original section 10.

Standing Committee amendments (1) were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The second Standing Committee amendment is:
Strike original section 10.

Standing Committee amendment (2) was adopted with 26 ayes, 7 nays, 11 present and not voting, and 5 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 279.

Introduced by Wesely, 26th District.

WHEREAS, the Social Security Amendments of 1983, Public Law 98-21, completely altered Medicare reimbursement for in-patient hospital services by creating the prospective payment system (PPS); and

WHEREAS, the Medicare PPS is being phased in over a three year period to prospectively reimburse hospitals on a fixed price based on the principal diagnosis of the patient and known as diagnostic related groups (DRGs); and

WHEREAS, this system of predetermined rates totally reverses the incentives of the retrospective payment system used since the creation of the Medicare program and may be applied to other providers, such as physicians and skilled nursing care, in the near future; and

WHEREAS, the new Medicare reimbursement system will provide incentives for hospitals to control health care costs; and

WHEREAS, many of the effects of the new system are not yet known and may result in the closing of many hospitals across the United States; and

WHEREAS, Nebraska's rural health care structure, consisting primarily of rural hospitals and nursing homes smaller than the national average and a higher proportion of primary care physicians, may be effected in a manner substantially different than in other states; and

WHEREAS, an example is demonstrated by the PPS formula which is based in part on the Wage Index of the Bureau of Labor Statistics, adjusted for local wage rates; and

WHEREAS, this index does not account for differences between full-time and part-time employees and many of Nebraska's rural and metropolitan hospitals employ a large percentage of part-time workers in their efforts to contain hospital costs; and

WHEREAS, this index fails to recognize differences in rural hospital wages due to hospital size and specialization of services provided; and

WHEREAS, this wage index fails to recognize that wages for rural hospitals located adjacent to metropolitan areas or with specialized employees must be competitive; and

WHEREAS, the Medicare PPS wage formula currently affects Nebraska hospitals in an inequitable manner and a change in the formula to reflect these differences would increase the wage index component for rural hospitals in Nebraska as well as in Lincoln and

Omaha; and

WHEREAS, the Health Care Financing Administration should recognize the intent of Congress in the development of the wage index and make monetary adjustments for inadequacies in this index; and

WHEREAS, when Congress reconvenes on January 23, 1984, the Senate will begin debate on S. 2062, which includes an amendment to correct the PPS formula and reflect such wage differences; and

WHEREAS, the House of Representatives will consider H.R. 4170, including an amendment to provide an appeal process for situations where the wage index is inequitable; and

WHEREAS, the Nebraska Congressional delegation has been instrumental in the effort to correct the inequity in the current wage index; and

WHEREAS, the magnitude of the Medicare PPS and its potential effect on the state indicate a need for the State of Nebraska to become more actively involved in federal health policies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the State of Nebraska assume an advocacy role in monitoring federal health policies and developing responses to policies which adversely impact the state in an inequitable manner.
2. That the Legislature carefully examine health care cost containment issues at the state level in light of the recent federal policy changes.
3. That the Legislature recognize the efforts of the Reagan administration and the Congress of the United States to develop cost containment mechanisms through a prospective Medicare reimbursement system.
4. That the Legislature urge the Members of Congress to actively support and vote favorably for amendments to S. 2062 and H.R. 4170 which will correct the current inadequacy of the wage index used in the PPS formula.
5. That the Clerk of the Legislature send copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and Members of Congress representing the State of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 280.

Introduced by Lundy, 36th District; Kahle, 37th District.

WHEREAS, the Kearney Catholic girls basketball team finished the season with an undefeated 22-0 record and captured the Class C-2 State

Basketball Championship; and

WHEREAS, the Stars established an all-class state tournament scoring record by scoring a total of one hundred ninety-three points; and

WHEREAS, winning a state championship is a demonstration of the willingness of this team and Coach Jerome Skrdla to endure the hard work and struggle associated with significant accomplishments; and

WHEREAS, this outstanding achievement deserves special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends the spirit and talent of the Kearney Catholic girls basketball team.
2. That the Legislature congratulates the members of the Kearney Catholic girls basketball team and Coach Jerome Skrdla and his staff.
3. That a copy of this resolution be sent to Coach Jerome Skrdla and the Kearney Catholic girls basketball team.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 825. Mr. Jacobson offered the following amendment:

AM2264

1. On page 74, strike beginning with "but" in line 4 through the comma in line 7 and show the old matter as stricken.

Mr. Jacobson moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Jacobson requested a record vote on his amendment.

Voting in the affirmative, 19:

Abboud Carsten Clark Goodrich Hefner
Hoagland Jacobson Johnson, R. Kilgarin Labedz
Lamb Landis McDonald Pappas Pirsch
Remmers Vickers Von Minden Wesely

Voting in the negative, 20:

Barrett Beyer Chronister DeCamp Eret
Fenger Goll Hannibal Harris Higgins

Johnson, L.	Lundy	Morehead	Newell	Nichol
Peterson, R.	Rupp	Scofield	Warner	Withem

Present and not voting, 5:

Chambers	Haberman	Kahle	Sieck	Wagner

Excused and not voting, 5:

Beutler	Johnson, V.	Marsh	Peterson, H.	Schmit

The Jacobson amendment lost with 19 ayes, 20 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment:
Amend LB 825 by adding the word "written" in line 13, page 7, before the word "notification".

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 769. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 7 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 830. Mr. Warner asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 931. Title read. Considered.

Standing Committee amendments, AM1840, found in the Journal on page 1000 for the Twenty-Ninth Day were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 931A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 903. Mr. Wesely asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 908. Title read. Considered.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM2045, found in the Journal on page 1030 for the Thirtieth Day was considered.

Messrs. Wagner, Lamb, and R. Johnson offered the following amendment to the Standing Committee amendment:

Strike all language after "ordinance" on line 10 through "student" on line 3 and insert:

"the question of which school district the annexed territory shall be a part of shall be submitted to the registered voters of the annexed territory at the next election. The issue may be submitted at a primary, general or special election. The election shall be conducted in the same manner, as nearly as possible, as other elections in such school district are conducted. Notice of the election to be held pursuant to this section shall be published at least once each week for three weeks prior to the election. The governing board of the school district of the annexing city or village shall call for the election and shall pay the costs of such election. A simple majority of votes cast shall resolve the issue.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 10 ayes, 4 nays, and 35 not voting.

Mr. Vickers requested a roll call vote on the Wagner et al amendment.

Voting in the affirmative, 23:

Barrett	Chronister	Clark	DeCamp	Eret
Goll	Haberman	Hefner	Johnson, L.	Johnson, R.
Kahle	Labedz	Lamb	Lundy	Nichol
Peterson, R.	Pirsch	Remmers	Rupp	Scofield
Sieck	Von Minden	Wagner		

Voting in the negative, 14:

Fenger
Goodrich
Hannibal
Hoagland
Jacobson
Kilgarin
Landis
Morehead
Newell
Pappas
Schmit
Vickers
Wesely
Withem

Present and not voting, 5:

Abboud
Beyer
Harris
Higgins
McDonald

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Beutler
Carsten
Johnson, V.
Marsh
Peterson, H.
Warner

The Wagner et al amendment was adopted with 23 ayes, 14 nays, 5 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

MR. BARRETT PRESIDING

Mr. Wagner moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Wagner requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 20:

Abboud
Barrett
Beyer
Chronister
Clark
DeCamp
Eret
Haberman
Hefner
Johnson, L.
Johnson, R.
Kahle
Lamb
Lundy
Peterson, R.
Remmers
Rupp
Sieck
Von Minden
Wagner

Voting in the negative, 16:

Fenger
Goodrich
Hannibal
Higgins
Hoagland
Kilgarin
Labedz
Landis
McDonald
Morehead
Newell
Pappas
Schmit
Vickers
Wesely
Withem

Present and not voting, 6:

Goll	Harris	Jacobson	Nichol	Pirsch	Scofield

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Beutler	Carsten	Johnson, V.	Marsh	Peterson, H.	Warner

The Standing Committee amendments lost with 20 ayes, 16 nays, 6 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers offered the following amendment:
1. Page 4, strike beginning with "when" on line 6 through pay in line 27 and strike lines 1 and 2 of page 5.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 5 nays, and 21 not voting.

The Vickers amendment was adopted with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Lamb moved to indefinitely postpone LB 908.

SPEAKER NICHOL PRESIDING

Messrs. Barrett and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb asked unanimous consent to withdraw his pending motion to indefinitely postpone LB 908. No objections. So ordered.

Mr. Goodrich requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Chronister	Fenger	Goodrich	Hannibal
Harris	Higgins	Hoagland	Jacobson	Kilgarin
Labedz	Landis	Lundy	McDonald	Morehead
Newell	Nichol	Pappas	Pirsch	Remmers
Schmit	Scofield	Vickers	Von Minden	Wesely
Withem				

Voting in the negative, 6:

Beyer	Eret	Hefner	Johnson, L.	Lamb
Sieck				

Present and not voting, 8:

Chambers	DeCamp	Goll	Johnson, R.	Kahle
Peterson, R.	Rupp	Wagner		

Excused and not voting, 9:

Barrett	Beutler	Carsten	Clark	Haberman
Johnson, V.	Marsh	Peterson, H.	Warner	

Advanced to E & R for Review with 26 ayes, 6 nays, 8 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 744 in the Journal. No objections. So ordered.

AM2292

1. Insert the following new section:

"Sec. 3 Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Messrs. Pappas and Newell asked unanimous consent to print the following amendment to LB 758 in the Journal. No objections. So ordered.

On page 4, line 11 after the "." insert the following language: Provided, however, that if the subsidiary does not obtain a Nebraska sales tax permit the taxpayer shall obtain a surety bond in favor of the state of Nebraska to insure payment of the tax and any interest and penalty imposed thereon under this Section in an amount not less than two times the amount of tax payable on outstanding accounts receivable held by the subsidiary as of the end of the prior calendar year. Failure to obtain either a sales tax permit or a surety bond in accordance with this Section shall result in the payment on the next required filing date of all sales taxes not previously remitted.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

AM2255

1. Insert the following new section:

"Sec. 2. That section 60-412, Revised Statutes Supplement, 1983, be amended to read as follows:

60-412. The director shall assign a distinguishing number to each license issued and shall keep a record of the same which shall be open to public inspection. Any person requesting such driver record information shall furnish to the department the name of the person whose record is being requested and, when the name alone is insufficient to identify the correct record, the department may request additional identifying information. The department shall, upon request of any applicant, furnish a certified abstract of the operating record of any person and shall be entitled to charge such applicant a fee of one dollar per abstract. One hundred per cent of the fee on abstracts shall be deposited in the Department of Motor Vehicles Computerization and Operations Fund, which is hereby created. Such fund shall be used to carry out the duties of the department ~~develop and operate a system of utilizing a computer to store and print any records and information~~ as deemed necessary by the director.

The director shall also keep a record of all applications for licenses that are disapproved with a brief statement of the reason for disapproval of the application. The motor vehicle operator's license shall be in the form of a card of a size that may be conveniently carried on the person. Each license card shall carry the following statements: Name; age; place of residence; post office address; a brief personal description of the licensee sufficient for identification; and such other facts and information, not inconsistent with this act, as the director may determine.".

2. On page 3, line 3, strike "is" and insert "and section 60-412, Revised Statutes Supplement, 1983, are".

3. Renumber the remaining section accordingly.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 830 in the Journal. No objections. So ordered.

AM2286

1. On page 2, line 3, before "There" insert "(1)"; in line 5, strike "(1)", show as stricken, and insert "(a)"; in line 7 strike "(a)", show as stricken, and insert "(i)"; in line 8 strike "(b)", show as stricken, and insert "(ii)"; in line 10 strike "(2)", show as stricken, and insert "(b)"; in line 12 strike "(a)" and insert "(i)"; in line 13 strike "(b)" and insert "(ii)"; in line 14 strike "(3)" and insert "(c)"; in line 15 strike "(a)", show as stricken, and insert "(i)"; in line 16 strike "(b)", show as striken, and insert "(ii)"; and strike beginning with "The" in line 17 through the period in line 20, show as stricken, and insert the following new subsection:

"(2) Within ten days after the close of each race meeting, the tax imposed by this section shall be disbursed as follows: (a) Eighty per cent shall be paid into the state treasury for deposit in the state General Fund; and (b) twenty per cent shall be paid to the city treasurer for deposit in the general fund of the city or village in which the licensed race meeting is held or which is nearest in proximity to such licensed race meeting, except that those race meetings subject to section 2- 128 shall be exempt from the disbursement as set forth in subdivisions (a) and (b) of this subsection until the parimutuel tax shall be set by the Legislature at a rate in excess of five per cent and then any amount in excess of five per cent shall be disbursed as in accordance with the terms of this section."; and in line 27 strike "section" and insert "sections" and after "2-1208.01" insert "and 2-1208.02".

2. On page 3, line 1, strike "is" and insert "are".

3. Insert the following new section:

"Sec. 2. That section 2-1208.02, Revised Statutes Supplement, 1982, be amended to read as

follows:

2-1208.02. (1) The Department of Revenue shall audit and verify the amount of the tax that is due the state and the respective city or village as provided by sections 2-1208 to 2-1208.02.

(2) The pertinent provisions of sections 77-2708 to 77-2713, 77-27,125 to 77-27,131, and 77-27,133 to 77-27,135~~,~~ shall be applicable to the administration and collection of the tax imposed by section 2-1208.01, except that the information obtained by the Department of Revenue in its audit and enforcement activities shall continue to be public records as defined in section 84-712.01.".

4. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 530 in the Journal. No objections. So ordered.

AM2289

1. On page 2, line 10, strike beginning with "Effective" through "agricultural", show as stricken, and insert "Agricultural"; in line 18 strike "Effective April 1, 1983" and insert "Except as provided in sections 4 to 7 of this act, effective October 1, 1984"; strike lines 21 through 23; and in line 24 strike "April 1, 1985" and insert "July 1, 1987".

2. On page 3, line 10, strike "after June 1, 1979," and show as stricken; in line 17 strike "Effective April"; in line 18 strike "1, 1983," and insert "Except as provided in sections 4 to 7 of this act, effective October 1, 1984,"; strike beginning with "Effective" in line 20 through the period in line 23; and in line 23 strike "April 1, 1985" and insert "July 1, 1987".

3. On page 4, line 25, strike "6" and insert "11"; and in line 26 strike "April 1, 1985" and insert "July 1, 1987".

4. Insert new sections as follows:

"Sec. 4. In order to insure appropriate stability in funding and the ability to implement currently planned programs and plan future programs for the maintenance and construction of city streets, county roads, and state highways in this state, it is the purpose of sections 4 to 7 of this act to restrict to a certain amount the anticipated loss of revenue due to the tax rate reduction provided in sections 66-410 and 66-428 for agricultural ethyl alcohol produced in the State of Nebraska for use as a motor vehicle fuel and for motor vehicle fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol whose purity is at least ninety-nine per cent alcohol, excluding denaturant. In furtherance of this purpose, sections 4 to 7 of this act are intended to establish a procedure to estimate the anticipated loss which would occur in each calendar quarter due to the full amount of the tax rate reduction provided in sections 66-410 and 66-428 and, if necessary, adjust the amount of such tax rate reduction so that the anticipated loss of revenue will not exceed a certain amount.

Sec. 5. (1) On or before the thirtieth day prior to the first day of every calendar quarter, the Tax Commissioner shall estimate for the next calendar quarter the amount of difference between the estimated receipts from the taxes imposed in the next calendar quarter, pursuant to sections 66-410, 66-428, 66-473, and 66-477, on motor vehicle fuel subject to the tax rate reduction provided in sections 66-410 and 66-428, and the estimated receipts from such taxes if the tax rate reduction provided in sections 66-410 and 66-428 and this section for such motor vehicle fuel were not in effect.

(2) If the amount of difference estimated pursuant to subsection (1) of this section exceeds the amount provided in section 6 of this act, the Tax Commissioner shall compute a tax rate reduction per gallon, set in increments of one-tenth of one cent, for such motor vehicle fuel which would limit the amount of difference to no more than the amount provided in section 6 of this act, taking into consideration any adjustments made pursuant to subsection (3) of this section. Such tax rate reduction shall apply for the next calendar quarter to all such motor vehicle fuel instead of the tax rate reduction provided in sections 66-410 and 66-428.

(3) In making the estimates and computations required by subsections (1) and (2) of this section, the Tax Commissioner shall consider the actual receipts from the taxes imposed in the preceding calendar quarter on such motor vehicle fuel pursuant to sections 66-410, 66-428, 66-473, and 66-477 and this section and shall,

if necessary, adjust the estimates for the next calendar quarter to account for the difference between the actual receipts and the amount provided in section 6 of this act.

(4) The tax rate reduction computed pursuant to this section shall be distributed to all licensed motor vehicle fuel dealers at least five days prior to the first day of any calendar quarter during which the tax rate reduction is to be adjusted. Such tax rate reduction shall be utilized in computing the tax due for the period specified by the Tax Commissioner.

Sec. 6. The amount of revenue lost due to the tax rate reduction provided in sections 66-410 and 66-428 and section 5 of this act which shall be allowed, pursuant to section 5 of this act, shall be as follows:

(1) Beginning October 1, 1984, one million five hundred thousand dollars for each calendar quarter;

(2) Beginning July 1, 1985, one million dollars for each calendar quarter; and

(3) Beginning July 1, 1986, five hundred thousand dollars for each calendar quarter.

Sec. 7. The Department of Roads, the State Energy Office, and the Gasohol Committee shall provide the Tax Commissioner with any information or estimates they may possess which may assist the Tax Commissioner in carrying out the powers and duties imposed on him or her by sections 4 to 7 of this act.

Sec. 9. Sections 4 to 7 of this act shall terminate on July 1, 1987, and each section shall be repealed in its entirety along with all amendments thereto.".

5. Strike original section 7.

6. Strike the Standing Committee amendments.

7. Renumber remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM2275

1. Strike the original sections and all amendments thereto.

2. Insert new sections as follows:

"Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 24, of the

Constitution of Nebraska, which is hereby proposed by the Legislature:

'Sec. 24. The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise where the consideration for a chance to participate involves the payment of money for the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time, except ~~; PROVIDED,~~ that it may authorize and regulate (1) other ~~lotteries,~~ raffles~~,~~ and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such ~~lotteries,~~ raffles~~,~~ or gift enterprises and (2) lotteries, including electronic video lotteries or a statewide lottery conducted by the State of Nebraska, which shall be used to provide property tax relief, without profit to the promoter of such lotteries. Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the parimutuel or certificate method, when conducted by licensees within the race track enclosure at licensed horse race meetings, or to prohibit the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that ~~; PROVIDED,~~ bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.'.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> 'Constitutional amendment to authorize certain lotteries to be established for property tax relief.
>
> For
>
> Against'.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.”.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 466 in the Journal. No objections. So ordered.

AM1950

1. Insert the following new sections:

“Section 1. That section 37-430, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-430. Sections 37-430 to 37-438 and section 2 of this act shall be known and may be cited as the ~~The~~ Nongame and Endangered Species Conservation Act.

Sec. 3. That section 37-431, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-431. As used in ~~sections 37- 430 to 37- 438~~ the Nongame and Endangered Species Conservation Act, unless the context otherwise requires:

(1) Conservation shall mean the use of all methods and procedures for the purpose of increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining such levels. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, transplantation, regulated taking, and the periodic or total protection of species or populations;

(2) Commission shall mean the Game and Parks Commission;

(3) Ecosystem shall mean a system of living organisms and their environment, each influencing the existence of the other and both necessary for the maintenance of life;

(4) Endangered species shall mean any species of wildlife or wild plants whose continued existence as a viable component of the wild fauna or flora of the state is determined to be in jeopardy~~,~~ or any species of wildlife or wild plants which meets the criteria of the Endangered Species Act;

(5) Endangered Species Act shall mean the Endangered Species Act of 1973, 87 Stat. 884;

(6) Nongame species shall mean any species of

mollusks, crustaceans, or vertebrate wildlife not legally classified as game, game bird, game animal, game fish, furbearer, threatened species, or ~~an~~ endangered species by statute or regulation of this state;

(7) Optimum carrying capacity shall mean that point at which a given habitat can support healthy populations of wildlife species, having regard to the total ecosystem without diminishing the ability of the habitat to continue that function;

(8) Person shall mean an individual, corporation, partnership, trust, association, or any other private entity~~,~~ or any officer, employee, agent, department, or instrumentality of the federal government, any state or political subdivision thereof, or any foreign government;

(9) Species shall mean any subspecies of wildlife or wild plants and any other group of wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature;

(10) Take shall mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect;

(11) Threatened species shall mean any species of wild fauna or flora which appears likely to become endangered, either by determination of the commission or by criteria provided by the Endangered Species Act; and

(12) Wildlife shall mean any member of any nondomesticated species of the animal kingdom, whether reared in captivity or not, including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate~~,~~ and includes any part, product, egg, or offspring thereof~~,~~ or the dead body or parts thereof.".

2. On page 3, line 15, strike "5" and insert "7"; and in line 26 strike "4 and 5" and insert "6 and 7".

3. On page 4, line 26, strike "5" and insert "7".

4. On page 5, line 9, strike "4" and insert "6"; and in line 14 after "sections" insert "37-430 to".

5. In the Beutler amendment, AM0523, adopted February 6, 1984, on page 1, line 5, strike "4" and insert "6".

6. Renumber remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following

amendment to LB 744 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2274.)

Mr. Newell asked unanimous consent to print the following amendment to LB 809 in the Journal. No objections. So ordered.

AM2296

1. Insert a new section as follows:

"Sec. 3. All property tax statements for homesteads granted an exemption in sections 77-3507 to 77-3509 or section 2 of this act shall show the amount of the exemption, the tax that would otherwise be due, and a statement that the tax loss shall be reimbursed by the state as a homestead exemption.".

2. Renumber remaining sections accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 908 in the Journal. No objections. So ordered.

1. Page 6, line 1, following "faith", insert:

"to determine which district shall serve the platted territory. The boards shall consider (a) the educational need and interests of children who will be living in the platted territory; (b) the distance children will be required to travel to reach educational facilities; (c) the existence in each district of adequate physical facilities, programs, courses and staff; (d) the effect any transferral of property will have on school district boundaries and valuations; (e) any common interest between the platted area and either school district or the city which has zoning jurisdiction over the area; (f) the effect any transferral of property will have on future enrollments and management of existing facilities and resources of each district".

2. Page 6, line 7, following "plat" insert:

"the school board of the city district and the school board or school boards of the district or districts serving the platted area shall each appoint one arbitrator. If the platted area is part of a Class VI school district and a Class I school district lying wholly within such Class VI district, the school boards of such Class VI and Class I districts shall jointly appoint one arbitrator. Within ten days after the appointment of the arbitrators they shall meet and agree upon one or two additional arbitrators to complete the arbitration panel. If the total number of arbitrators selected by the school boards is an even number the arbitrators shall select one additional arbitrator. If the total number is an odd number, the arbitrators shall select two additional arbitrators. The arbitration panel shall hold its first meeting within twenty days after appointment of the additional arbitrator or arbitrators. The arbitration panel may request data from all school districts involved, any cities or villages involved, and the State Department of Education. The arbitration panel shall render a decision within forty days after the initial meeting of the panel. The decision shall be based on the criteria set forth in this subsection. The districts or any person adversely affected by the decision of the panel may appeal to the district court in the county in which the platted territory is located. If the platted territory is located in more than one county, the court in which an appeal is first perfected shall obtain jurisdiction to the exclusion of any subsequent appeal."

3. Page 6, strike beginning with "then" in line 7, through "lies." in line 9 and insert: "The County Superintendent shall effectuate any transfer of platted territory determined pursuant to this subsection."

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 712. Placed on General File as amended.
Standing Committee amendments to LB 712:
AM2250

1. On page 4, line 26, strike the new matter.
2. On page 5, line 3, after "nonprofit" insert "voluntary health".

LEGISLATIVE BILL 728. Placed on General File as amended.
Standing Committee amendments to LB 728:
AM2249

1. Insert the following new section: "Sec. 2. This act shall become operative on October 1, 1984.".
2. Renumber original section 2 as section 3.

LEGISLATIVE BILL 737. Placed on General File as amended.
Standing Committee amendments to LB 737:
AM2248

1. On page 2, lines 5 and 7, strike "fifty" and insert "one hundred".
2. Strike original section 2.
3. On page 4, line 4, strike "sections" and insert "section" and strike "and"; and in line 5 strike "77-2608" and strike "are" and insert "is".
4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1082. Placed on General File as amended.
Standing Committee amendments to LB 1082:

AM2017

1. Strike original sections 3 and 8 and insert the following new sections:

"Sec. 3. That section 57-1203, Revised Statutes Supplement, 1983, be amended to read as follows:

57-1203. The tax imposed by section 57-1202 shall be levied on the value of the uranium severed~~,~~ and shall be paid at the rate of ~~two~~ five and one half per cent of the value of such uranium produced. ~~each year in excess of five million dollars gross value. The value shall be computed immediately after such severance at the place where the uranium is severed.~~ The uranium shall be valued at the fair cash market value of the uranium at the mine or mining claim where produced, after the mining or production process is completed. The mining or production process shall be deemed completed when the uranium is severed and, prior to any benefication or further processing, is placed in storage prior to transportation to market.

If the uranium is sold at the mine or mining claim by a bona fide arms- length sale, the fair cash market value shall be deemed to be the price established by such sale. If the uranium is not sold at the mine or mining claim by a bona fide arms- length sale or if the uranium is used without sale, the fair cash market value shall be determined as if a bona fide arms- length sale had taken place at the mine or mining claim.

Sec. 8. That section 57-1210, Revised Statutes Supplement, 1983, be amended to read as follows:

57-1210. ~~The tax imposed by section 57- 1202 shall become delinquent after the last day of each month and, in addition to the amount of the delinquent tax, there shall be paid and the Tax Commissioner shall collect a penalty for such delinquency in the amount of one per cent of the delinquent taxes for each month, or part thereof, that the delinquency has continued.~~ (1) There shall be allowed as a credit against the severance tax an amount equal to the value of approved contributions made by the taxpayer prior to the first severance of the uranium to assist in solving the impact problems experienced by units of local government which result from the initiation of such severance.

(2) In order for an approved contribution to

qualify for credit (a) each contribution shall be based on an agreement between the taxpayer and a unit of local government impacted specifying the need for such contribution and its nature, value or amount, and purpose and (b) certification of eligibility for credit of a contribution of a specified value or amount shall be transmitted by the unit of local government to the Tax Commissioner and the taxpayer.

(3) For purposes of this section, approved contribution shall include the contribution of property or payment of money to a unit of local government for use in planning, including the use of financial, architectural, or engineering services, in construction, or in expansion of public facilities, including, but not limited to, county or municipal roads, schools, recreation facilities, water facilities, sewage facilities, police and fire protection facilities, and hospitals, which are deemed to be necessitated by the initiation of severance of uranium.

(4) In no event shall the total amount of approved contributions by a taxpayer exceed fifty per cent of the severance tax liability which the taxpayer anticipates will be incurred during the first ten years of severance.

(5) A taxpayer shall be entitled to credit against its severance tax liability in an amount equal to the total of all contributions made and certified as eligible for credit by the unit of local government. The taxpayer may claim such credit by submitting with the monthly report required by section 57-1204 the certification of eligibility. The amount of credit available in any one month, including carryovers, shall not exceed the taxpayer's severance tax liability in such month. Any excess may be carried over and shall be available as a credit in the next month or months, subject to the same monthly limitation.

Sec. 9. That section 57-1212, Revised Statutes Supplement, 1983, be amended to read as follows:

57-1212. The Tax Commissioner shall supervise and enforce the collection of all taxes that may be due pursuant to sections 57-1201 to 57-1214. The commissioner may adopt and promulgate any rules and regulations necessary to carry out such sections, including, but not limited to, provisions concerning (1) the manner in which the tax shall be paid, (2) ~~and~~ the form of required reports, (3) the information required for the purpose of determining fair cash market value pursuant to section 57-1203, and (4) the manner in which fair cash market value shall be determined.”.

2. On page 4, line 13, after the period insert “The severance tax shall become delinquent after the last day of each month or the final filing date, whichever is later.”.

3. On page 9, line 8, after “57-1210,” insert “57-1212,”.

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 794. Indefinitely postponed.
LEGISLATIVE BILL 958. Indefinitely postponed.
LEGISLATIVE BILL 1004. Indefinitely postponed.
LEGISLATIVE BILL 1021. Indefinitely postponed.
LEGISLATIVE BILL 1037. Indefinitely postponed.
LEGISLATIVE BILL 1123. Indefinitely postponed.

(Signed) Calvin Carsten, Chairperson

ADJOURNMENT

At 4:49 p.m., on a motion by Mr. Jacobson, the Legislature adjourned until 9:00 a.m., Tuesday, March 6, 1984.

Patrick J. O’Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 6, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 6, 1984

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Al Norden, Pastor Emeritus, University Lutheran Chapel, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. H. Peterson who was excused; and Messrs. Clark, Lamb, R. Peterson, Schmit, Vickers, Wesely, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Ninth Day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following resolution and bill were correctly re-engrossed: LR 2 and LB 782.

Correctly Engrossed

The following bills were correctly engrossed: 372 and 372A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Changes to LR 2

The following changes, required to be reported for publication in the Journal, have been made:
ER0180

The Pirsch amendment was to the Final Reading Copy.

1. In the Pirsch amendment adopted March 1, 1984, the underscoring has been removed from amendments 5 and 6.
2. On page 1, line 12, the second comma has been struck and shown as stricken; and in lines 16 and 20, the comma has been struck and shown as stricken.
3. On page 2, line 7, the comma has been struck and shown as stricken.
4. On page 3, the matter beginning with "school" in line 2 through "for" in line 3 has been struck and "use and support of the common schools and" has been inserted.

Enrollment and Review Changes to LB 372

The following changes, required to be reported for publication in the Journal, have been made:
ER0179

1. On page 3, lines 5 through 8, all the commas have been struck and underscored semicolons inserted.
2. On page 5, line 26, "the" has been inserted after "from".
3. On page 18, line 22, the underscoring has been removed from "(6)"; and in line 25 "to" has been inserted after "pursuant".
4. In the E & R Amendments, AM5283:
   a. On page 7, line 18, the comma has been reinstated;
   b. On page 10, line 26, "11, strike the comma and" has been struck; and
   c. On page 11, line 1, "show as stricken; in line" has been struck, and "pursuant to" has been inserted after the quotation marks; and the matter beginning with "and" in line 2 through the first quotation marks in line 3 has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 450. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1089A. By Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1089, Eighty-eighth Legislature, Second Session, 1984.

MOTION - Withdraw LB 1014

Mr. Goodrich renewed his pending motion to withdraw LB 1014 found in the Journal on page 1284.

The motion prevailed with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

MOTION - Reconsider Action on LB 426

Mr. Chambers renewed his pending motion to reconsider the indefinitely postpone motion found in the Journal on page 1164.

Mr. Chambers asked unanimous consent to withdraw his pending motion. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 280. Read. Considered.

LR 280 was adopted with 28 ayes, 0 nays, and 21 not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 516A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 645A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 751A. Title read. Considered.

Mr. Wesely offered the following amendment:

On page 2, in line 2, strike "106,816 from the Public Employees' Retirement Cash Fund" and insert "80,816 from the School Expense Cash Fund". In line 4, strike "86,554 from the Public Employees' Retirement Cash Fund" and insert "60,554 from the School Expense Cash Fund".

The Wesely amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1001A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 249. E & R amendments, AM5028, found in the Journal on page 582 for the Twenty-Ninth Day, First Session, were adopted.

Mr. Hannibal asked unanimous consent to withdraw his pending amendment found in the Journal on page 663, First Session. No objections. So ordered.

Mr. Hefner asked unanimous consent to withdraw his pending amendment, AM0711, found in the Journal on page 1049, First Session. No objections. So ordered.

Mr. Barrett renewed his pending amendment, AM1848, found in the Journal on page 900.

The Barrett amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 453. Mrs. Marsh requested a machine vote on the advancement of the bill.

Mr. L. Johnson moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Advanced to E & R for Engrossment with 27 ayes, 6 nays, 12 present

and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 453A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 736. E & R amendments, AM5243, found in the Journal on page 737 for the Twentieth Day were adopted.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1132.

The DeCamp amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not votng.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 843. No objections. So ordered.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 281.

Introduced by Sieck, 24th District; R. Johnson, 34th District.

WHEREAS, the winning of a championship demonstrates the willingness of a team and its coach to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, the Henderson High School basketball team has just completed a successful 25-0 basketball season and only lost one game last year; and

WHEREAS, the Henderson High School football team posted a 13-0 record earlier in this school year and only lost one game the prior year; and

WHEREAS, both the Henderson High School football and basketball teams culminated their seasons this year by capturing the Class C-2 championship crowns; and

WHEREAS, the Henderson community as a whole has shown terrific pride and spirit in their following of these athletic teams while maintaining a high degree of sportsmanship and good morale; and

WHEREAS, such outstanding achievements are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

SECOND SESSION:

1. That the members of the Legislature commend the athletic ability, competitive spirit, and sportsmanship shown by both the Henderson Huskies football and basketball teams, as well as the Henderson community as a whole.

2. That the Legislature congratulates and extends best wishes to the 1983 Class C-2 Boys High School football champions and their Coach Galen Kronhofman.

3. That the Legislature congratulates and extends best wishes to the 1984 Class C-2 Boys High School basketball champions and their Coach Dale Buller.

4. That a copy of this resolution be sent to Henderson High School and the coaches of the Henderson High School football and basketball teams.

Laid over.

LEGISLATIVE RESOLUTION 282.

Introduced by R. Johnson, 34th District.

WHEREAS, the Palmer High School boys' basketball team has won first place in the 1984 Class D-1 state competition; and

WHEREAS, this victory culminates a 23-0 season; and

WHEREAS, the winning of such a championship is a demonstration of team spirit, cooperation, and willingness to endure the hard work and struggle associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extend its congratulations to the members of the Palmer High School boys' basketball team and their coach, Steve DeNoyer.

2. That a copy of this resolution be sent to Coach DeNoyer and the members of the Palmer High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 283.

Introduced by DeCamp, 40th District.

WHEREAS, the sport of basketball serves to enhance the educational goals of the citizens of Nebraska; and

WHEREAS, the state basketball tournament offers eight regional champions the opportunity to compete for the undisputed championship of the state; and

WHEREAS, participation in this event is sought by every basketball team in the state through district tournaments and regional competition; and

WHEREAS, the Ewing Tigers, champions of their district and winners of their regional contest, advanced to the finals of this state championship contest only to be defeated by an unbeaten Shickley team.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That many outstanding individual performances as well as fine team play led the Ewing girls basketball team into the state championship finals.
2. That the Ewing Tigers girls basketball team's performance in the state basketball tournament be recognized and commended by this Legislature.
3. That a copy of this resolution be sent to the Superintendent of Ewing High School, Coach Doug Ackles of Ewing, and the student government organization of Ewing High School.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 280.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 1056 in the Journal. No objections. So ordered.

AM2223

1. On page 2, line 11, strike the second underscored comma, reinstate "and", and strike "and all"; in line 12, strike "first-class cities,"; in line 14 strike the new matter; and in line 15 after the period insert "The survey may include the city governments of all first-class cities and a representative sample of private sector employers in such first-class cities.".

Mr. Fenger asked unanimous consent to print the following amendment to LB 783 in the Journal. No objections. So ordered.

AM2282

1. Strike original sections 1 and 2.
2. On page 3, strike beginning with "sections" in line 21 through "and" in line 22 and insert "section"; and in line 23 strike "are" and insert "is".
3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 466. E & R amendments, AM5249, found in the Journal on page 832 for the Twenty-Third Day were adopted.

Mrs. Labedz renewed her pending amendment, AM1950, found in the Journal on page 1338.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Vickers offered the following amendment:
On page 2, line 2, strike "except coyotes"

The Vickers amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 466A. E & R amendment, AM5301, found in the Journal on page 1138 for the Thirty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1039. Mr. Chambers offered the following amendment:
In Beutler amendment, strike "Class I misdemeanor", insert "Class IV felony".

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Chambers
Eret
Hannibal
Harris
Higgins
Hoagland
Johnson, R.
Kilgarin
Labedz
Lundy
Marsh
McDonald
Morehead
Newell
Pirsch
Rupp
Vickers
Von Minden
Warner
Wesely
Withem

Voting in the negative, 26:

Abboud
Barrett
Beyer
Carsten
Chronister
Clark
DeCamp
Fenger
Goll
Goodrich
Haberman
Hefner
Jacobson
Johnson, L.
Johnson, V.
Kahle
Lamb
Landis
Nichol
Pappas
Peterson, R.
Remmers
Schmit
Scofield
Sieck
Wagner

Excused and not voting, 2:

Beutler
Peterson, H.

The Chambers amendment lost with 21 ayes, 26 nays, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. V. Johnson offered the following amendment:
Add after "Finance" in line 6 "pursuant to section 1 of this act"

The V. Johnson amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 3 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 692. Placed on Select File as amended.

E & R amendments to LB 692:
AM5332

1. In lieu of the Beutler amendment adopted February 29, 1984, in the DeCamp amendment, AM1892, on page 2, line 22, strike "six", show as stricken, and insert "ten".

2. In the DeCamp amendment, AM1892, adopted February 29, 1984:

a. On page 1, line 7, after "year" insert an underscored comma;

b. On page 3, line 9, and page 4, lines 17 and 18, strike "sections 44-2801 to 44-2855", show as stricken, and insert "the Nebraska Hospital- Medical Liability Act";

c. On page 3, line 15, strike the comma and show as stricken; and

d. On page 5, line 8, strike the third comma.

3. In lieu of the Hoagland amendment 2 adopted February 29, 1984, in the Standing Committee amendments, AM1709, on page 20, after line 1, insert:

"(5) The exercise of the waiver authorized by this section shall not be subject to attack for the sole reason that the claimant served the director with the notice prescribed by subsection (3) of this section prior to the effective date of this act if the requirements of sections 44- 2840 to 44- 2847 have not been fulfilled on such date.".

4. In the Standing Committee amendments, AM1709, adopted February 29, 1984:

a. On page 1, line 15, after "insane" insert an underscored comma;

b. On page 3, line 17; page 4, lines 19 and 20; page 12, line 1; page 13, line 19; page 16, lines 23 and 25; and page 20, line 17, strike the comma and show as stricken;

c. On page 8, line 7, strike "The" and insert "A";

d. On page 9, line 16, after "sources" insert "as provided";

e. On page 15, line 13, strike "to him" and show as stricken; and in line 14 strike "or her";

f. On page 16, line 6 strike the comma; and in line 8 strike the comma and show as stricken;

g. On page 19, line 25, after "review" insert an underscored comma;

h. On page 21, line 7, after "serve" insert an underscored comma; in line 8 strike both commas and show as stricken; and in line 21 strike the second and third commas and show as stricken;

i. On page 22, line 13, after "days" insert "after service of the notice on the director";

j. On page 23, line 7, after "action" insert an underscored comma, and strike both commas and show as stricken; and in line 9 after "which" insert "the"; and

k. On page 24, line 7, strike the last comma; and in line 8 strike "44-2829, 44-2830".

5. On page 1, strike beginning with "44-2802" in line 2 through line 6 and insert "25-213, 44-2802, 44-2820 to 44-2822, 44-2824, 44-2825, 44-2828 to 44-2833, 44-2837, 44-2840 to 44-2842, and 44-2855, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to claims and causes of action, election of coverage, qualification of health care providers, limits on liability, the Excess Liability Fund, the Residual Malpractice Insurance Authority, and medical review panels as prescribed; to provide for surcharge adjustments; to provide powers and duties; to harmonize".

6. On page 6, line 14, strike "issue" and insert "adopt and promulgate".

LEGISLATIVE BILL 695. Placed on Select File as amended.
E & R amendments to LB 695:
AM5326

1. In lieu of the Landis and Marsh amendment adopted March 1, 1984, on page 5, line 14, strike "in the performance" and insert "as the result"; and in line 24 strike "including, but not limited to," and insert "such as".

2. On page 1, line 5, strike "informed" and insert "certain duties and requirements; to provide duties"; in line 6 strike "consent"; and in line 7 after the semicolon insert "to eliminate provisions relating to abortions involving certain minors; to eliminate a penalty;".

3. On page 3, line 25, strike "; a", show as stricken, and insert ". A".

4. On page 6, line 10, strike the comma and show as stricken.

LEGISLATIVE BILL 994. Placed on Select File as amended.

E & R amendments to LB 994:
AM5331

1. In lieu of the Haberman amendment adopted March 1, 1984, in the Standing Committee amendments, AM2088, on page 15, line 4, after “courses” insert “, which shall include vocational education courses,”.

2. In the second Lamb amendment, AM2185, adopted March 1, 1984, on page 1, line 4, after “committee” insert “established in subsection (1) of this section”.

3. In the Vickers amendment 2, adopted March 1, 1984, “maximum” has been underscored.

4. In the Standing Committee amendments, AM2088, adopted March 1, 1984:

a. On page 1, line 13, strike the second comma;

b. On page 2, line 18, strike the comma;

c. On page 4, line 15, strike the commas and show as stricken;

d. On page 5, lines 15 and 16, strike the comma and show as stricken; and in line 19 after “session” insert an underscored comma;

e. On page 6, line 22, strike the comma and show as stricken;

f. On page 7, line 26, after “system” and after “units” insert an underscored comma;

g. On page 8, line 16, reinstate the stricken comma;

h. On page 9, line 11, strike the comma and show as stricken;

i. On page 10, line 4, strike the comma and show as stricken;

j. On page 11, line 11, strike the last comma and show as stricken;

k. On page 12, line 16, strike both commas and show as stricken;

l. On page 14, line 10, strike the comma and show as stricken; and on line 17 strike the comma, show as stricken, and insert an underscored semicolon;

m. On page 15, line 24, strike “professional practices commission” and insert “Professional Practices Commission”;

n. On page 17, line 15, strike the comma; and in line 23 strike the first comma;

o. On page 18, line 11, after “and” insert "be"; and in line 23 after "certificate" insert an underscored comma;

p. On page 19, line 2, after "and" insert "be"; in line 10 after "certificate" insert an underscored comma; and in line 14 strike the comma;

q. On page 20, line 26, strike "have given" and insert "give";

r. On page 24, lines 7 and 8, strike the comma and show as stricken;

s. On page 25, lines 3 and 4, strike the comma and show as stricken; in line 11 after "(b)" insert "certification"; and strike beginning with "prior" in line 14 through the comma in line 15;

t. On page 26, lines 22 and 23, strike the first comma and show as stricken;

u. On page 29, line 5, strike the comma and show as stricken; in line 18 after "amounts" insert "from the School Foundation and Equalization Fund"; in line 20 strike ", the" and insert ". The"; in line 22 strike "to" and insert "shall"; and strike beginning with the comma in line 24 through the comma in line 25;

v. On page 30, line 11, after "receive" and after "teachers" insert an underscored comma; and in line 14 strike "to be";

w. On page 32, line 1, after "institution" insert an underscored comma; and in line 6 strike "the";

x. On page 33, line 3 and lines 12 and 13, strike "a fund to be known as"; in line 13 strike "and"; in line 15 strike "State Department of Education" and insert "department"; and in line 18 strike "State Department of Education's" and insert "department's";

y. On page 34, line 7, strike "State Department of Education" and insert "department"; in lines 9, 12, and 17 strike "State Board of Education" and insert "board"; in lines 8, 9, 17, and 18 strike the last comma; in line 15 strike "Advisory Committee on Staff Development" and insert "advisory committee"; in line 16 strike "from" and insert "after"; in line 23 after "contracts" insert an underscored comma; in line 24 strike "and"; and in line 25 after "individualization" insert an underscored comma;

z. On page 35, lines 11 and 12, strike the comma;

aa. On page 36, line 3, after "districts" insert an underscored comma; in line 6 after the first comma insert "the State Department of Education, and"; strike beginning with the second comma in line 7 through "Education" in line 8; and strike beginning with "State" in line 8 through "Education" in line 9 and insert "department";

bb. On page 37, line 11, after "activities" insert an underscored comma;

cc. On page 38, line 10, after "technology" insert an underscored comma; and

dd. On page 39, line 13, after "order" insert "(1)"; in line 14 after the comma insert "(2)"; and in line 20 after "and" insert "(3)".

5. On page 1, line 4, after the first comma insert "and" and strike "79-2201.01, and 79-2202,"; strike beginning with "a" in line 9 through the second "to" in line 10 and insert "provisions relating to school terms; to change and" in line 11 strike "to" and insert "for the State Department of Education and"; and in line 12 after the second "to" insert "approval and".

6. On page 2, line 1, after "to" insert "administrator and"; in line 3 after "stipends" insert ", grants-in-aid, and other financial assistance", and after the semicolon insert "to create funds; to create a committee;"; in line 5 strike "make" and insert "provide for"; and in line 8 insert "to exclude certain items from budget limitations; to harmonize provisions;" after the semicolon.

LEGISLATIVE BILL 760. Placed on Select File as amended.
E & R amendment to LB 760:
AM5329

1. On page 2, line 3, strike the comma; in line 5 strike the first comma; in lines 9, 11, and 17 strike "such" and insert "the"; and in line 9 strike "Such" and insert "The".

LEGISLATIVE BILL 1105. Placed on Select File as amended.
E & R amendments to LB 1105.
AM5333

1. On page 1, line 9, after the last comma insert "powers, duties, liabilities, contracts,"; and in line 12 after the semicolon insert "to eliminate a provision on warranties;".

2. On page 2, in lines 8 and 18, strike the comma and show as stricken.

3. On page 3, line 10, strike the comma and

show as stricken; and in line 15 strike the first "of", show as stricken, and insert "on".

4. On page 4, in lines 2 and 13, strike the comma and show as stricken.

5. On page 5, line 5, strike "of", show as stricken, and insert "on".

6. On page 6, lines 4, 10, 11, and 22, strike the comma and show as stricken.

7. On page 7, line 10, after "district" insert an underscored comma; in line 13 after the first comma insert "whether"; and in lines 6, 14, and 20 strike the comma and show as stricken.

8. On page 8, line 12, after "board" insert an underscored comma.

9. On page 9, line 19, strike the commas and show as stricken.

10. On page 10, lines 1 and 18, strike the comma and show as stricken; and in line 7 after "or" insert "under".

11. On page 11, lines 1 and 8, strike the comma and show as stricken; and in line 6 after the second comma insert "or".

12. On page 12, line 4, after "76-859" insert an underscored comma.

13. On page 13, in lines 7 and 26, strike the comma and show as stricken.

14. On page 17, line 13, strike ", or", show as stricken, and insert "of"; and in lines 18 and 26 strike the comma and show as stricken.

15. On page 18, line 25, strike the comma and show as stricken; and in line 26 strike "or" and show as stricken.

16. On page 19, in lines 10, 12, 19, and 23, strike the comma and show as stricken.

17. On page 21, line 14, after "board" insert an underscored comma; and in line 19 after "sent" insert "postage".

18. On page 22, in line 23, strike the comma and show as stricken; and in line 26 strike the second comma and show as stricken.

19. On page 23, line 7, after "sale" insert an underscored comma.

20. On page 26, line 9, after "units" insert an underscored comma.

21. On page 29, line 26, strike the comma and

show as stricken.

22. On page 30, line 8, strike the comma and show as stricken.

23. On page 31, lines 11 and 16, strike the comma and show as stricken.

24. On page 33, line 8, strike the comma and show as stricken.

25. On page 35, line 8, strike the colon, show as stricken, and insert an underscored comma.

26. On page 36, line 7, after "1983" insert ", are repealed".

LEGISLATIVE BILL 992. Placed on Select File as amended.
E & R amendments to LB 992:
AM5328

1. On page 1, strike beginning with "to" in line 3 through the semicolon in line 5; and in line 7 after the semicolon insert "to provide powers and duties related to sewer and drain connections and driveway approaches;".

2. On page 2, line 18, strike both commas; and in line 27 after "property" insert "which is", and strike the comma and insert "and".

3. On page 3, lines 1, 13, and 14, strike the comma; and in lines 8 and 15 insert paragraphing before "Any" and "The" respectively.

LEGISLATIVE BILL 642. Placed on Select File.

LEGISLATIVE BILL 863. Placed on Select File as amended.
E & R amendment to LB 863:
AM5330

1. In the Warner amendment, AM2202, adopted March 2, 1984, on page 3, line 17, after "degrees" insert a comma.

LEGISLATIVE BILL 980. Placed on Select File.

LEGISLATIVE BILL 1016. Placed on Select File as amended.
E & R amendments to LB 1016:
AM5334

Because of line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. On page 2, lines 7, 9, 10, 18, and 26, strike all commas and show as stricken.

2. On page 3, lines 2 and 4, strike the commas and show as stricken.

LEGISLATIVE BILL 883. Placed on Select File.

LEGISLATIVE BILL 999. Placed on Select File as amended.
E & R amendments to LB 999:
AM5335

1. On page 1, line 2, after the semicolon insert "to define a term;".
2. On page 2, line 25, strike the comma.

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Public Works

Governor Appointment Wednesday, March 21, 1984 1:15 p.m.
Board of Public Roads Classification & Standards:
Blase Cupich
Governor Appointments Thursday, March 22, 1984 1:00 p.m.
Donald O. Swing
R. Doyle Hanson
Merlin Lindahl
James H. Suttle
Joseph W. McNamara
Darrel Berg

State Highway Commission:
James Keenan
Paul Landow
George A. Miles

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 284.

Introduced by DeCamp, 40th District.

WHEREAS, the Nebraska Legislature created a special committee to investigate affairs surrounding the insolvency of the Commonwealth Savings Company; and

WHEREAS, evidence disclosed during the course of such committee's hearings has shown that the Attorney General acted in a way which was improper and incongruous with his role as a public official; and

WHEREAS, such actions by one public official cause a lack of faith and trust in all public officials.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature does hereby publicly censure Attorney General Paul L. Douglas.

2. That the Clerk of the Legislature deliver a copy of this censure to Mr. Paul L. Douglas.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 942 in the Journal. No objections. So ordered.

AM2297

1. On page 2, line 18, after "designated" insert "by such voters".

2. In the Vickers amendment adopted on February 24, 1984, found on page 1113 of the Journal, on page 1, line 4, strike "After" and insert "Except, after"; in line 5 after "act" insert an underscored comma; and in line 6 after the first "of" insert "only".

Mr. Nichol asked unanimous consent to print the following amendment to LB 881 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 3 strike beginning with "For" in line 3, thru "the" in line 4, show the old matter stricken, and insert "The tax"; after "levy" insert "limit"; in line 6 after "area" insert "with a total population of less than 150,000"; in line 7 after "exceed" insert ", and shall be the lessor of," and strike "two", show stricken, and insert "four" line 8 strike the second "on", show stricken, and insert "of"; strike beginning with "Chapter" in line 11 thru "less" in line 12, show stricken and insert "any budget increase limitation, imposed by law, applicable to such area".

SELECT FILE

LEGISLATIVE BILL 990. E & R amendment, AM5257, found in the Journal on page 930 for the Twenty-Seventh Day was adopted.

Mr. R. Peterson offered the following amendment:
Page 1, line 3, before the word "Fund" add the word "cash"
Page 3, line 11, before the word "Fund" add the word "Cash"

Mr. Haberman moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The R. Peterson amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

LEGISLATIVE BILL 990A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 677. Mr. Warner asked unanimous consent to withdraw his pending amendment, AM2145, found in the Journal on page 1188. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 820. E & R amendment, AM5261, found in the Journal on page 932 for the Twenty-Seventh Day was adopted.

Mr. Hefner asked unanimous consent to withdraw his pending amendment, AM1971, found in the Journal on page 885. No objections. So ordered.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner renewed his pending amendment, AM2016, found in the Journal on page 971.

The Hefner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 985. E & R amendments, AM5275, found in the Journal on page 986 for the Twenty-Ninth Day were adopted.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. KAHLE PRESIDING

Advanced to E & R for Engrossment with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 758. E & R amendments, AM5279, found in the Journal on page 1006 for the Thirtieth Day were adopted.

Messrs. Pappas and Newell renewed their pending amendment found in the Journal on page 1331.

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 933. E & R amendments, AM5284, found in the Journal on page 1026 for the Thirtieth Day were adopted.

Mr. Warner offered the following amendment:

1. Insert a new section as follows:

"Sec. 11. That section 81-137, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

The Governor shall also submit to the Legislature at the same time he submits the budget, copies of a tentative bill for all proposed appropriations of the budget clearly itemized and properly classified, for the ensuring appropriation period, and no appropriation shall be made in excess of the items and recommendations contained in the budget unless by a ~~two- thirds~~ three- fifths vote of the Legislature, but any item or recommendation therein contained may be rejected or decreased in amount."

The Warner amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 130. Mr. Jacobson offered the following amendment:

AM2201

1. On page 4, line 8, after "establishes" insert "physical well-being and safety".

2. On page 6, line 8, after "establishing"

insert "licensing,"; strike beginning with "whether" in line 9 through "act" in line 11; and after the period in line 11 insert "A program located in a county, city, or village which has adopted licensing rules, regulations, or ordinances, shall not be subject to licensure under section 4 of this act."

3. In the second Landis amendment found on page 462 of the Journal on page 1, line 6, after "in" insert "line 8, strike 'health' and insert 'physical well- being,'; and in", strike "8,", and strike the third comma.

Mr. Lundy asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Jacobson moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Jacobson requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud Carsten Chronister Clark DeCamp
Fenger Haberman Hefner Jacobson Johnson, L.
Johnson, R. Kahle Labedz Lamb Nichol
Peterson, R. Remmers Von Minden Wagner

Voting in the negative, 18:

Chambers Hannibal Harris Hoagland Johnson, V.
Kilgarin Landis Marsh McDonald Morehead
Pappas Rupp Schmit Sieck Vickers
Warner Wesely Withem

Present and not voting, 5:

Eret Goll Goodrich Pirsch Scofield

Absent and not voting, 1:

Newell

Excused and not voting, 6:

Barrett Beutler Beyer Higgins Lundy
Peterson, H.

The Jacobson amendment lost with 19 ayes, 18 nays, 5 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

SPEAKER NICHOL PRESIDING

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 15 nays, 2 present and not voting, and 6 excused and not voting.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 130A. Mr. V. Johnson renewed his pending amendment, AM1962, found in the Journal on page 965.

The V. Johnson amendment was adopted with 25 ayes, 9 nays, 8 present and not voting, and 7 excused and not voting.

E & R amendments, AM5238, found in the Journal on page 628 for the Seventeenth Day were adopted.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 13 nays, 5 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Rules

Monday, March 12, 1984 12:30 p.m.
Higgins proposed rule changes p. 583
Fenger proposed rule changes p. 584
V. Johnson proposed rule changes p. 1164

(Signed) Peter Hoagland, Chairperson

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 1110. Placed on General File as amended.
Standing Committee amendment to LB 1110:
AM2291

1. On page 2, line 2, strike "$10,000,000" and insert "$4,000,000".

(Signed) Jerome Warner, Chairperson

Public Works

LEGISLATIVE BILL 866. Placed on General File as amended.
Standing Committee amendments to LB 866:
AM2102

1. On page 7, strike the new matter in lines 3 and 4.

2. On page 10, strike beginning with the comma in line 13 through "SF" in line 15.

3. On page 12, strike beginning with "The" in line 4 through the period in line 8.

4. Strike original sections 4 to 6 and 23 and insert the following new section:

"Sec. 19. This act shall become operative on January 1, 1985.".

5. On page 15, line 17, strike "receipt" and show as stricken; and in line 18 strike "or".

6. On page 17, line 21, strike "receipt or".

7. On page 25, line 7, strike "19" and insert "16"; in line 9 strike "60-403.07,"; in line 12 strike "sections 60-403.06 and" and insert "section"; and in line 13 strike "60-330,".

8. Renumber the remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 285.

Introduced by Eret, 32nd District.

WHEREAS, the winning of a championship in a state athletic tournament demonstrates the willingness of a team and its coach to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, the Shickley Lady Longhorns basketball team Class

D-1 champions won the girl's State High School Basketball Tournament this year; and

WHEREAS, the members of the Shickley High School girl's basketball team are deserving of special recognition for their victory; and

WHEREAS, this is the second consecutive undefeated season and State Championship for the Lady Longhorns; and

WHEREAS, the combination of the seasons totals a 46 game winning streak for the Lady Longhorns.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature commend the athletic ability, competitive spirit, and sportsmanship exhibited by the Shickley Lady Longhorns Basketball team.

2. That the Legislature congratulates and extends best wishes to the 1984 Class D-1 Girls High School Basketball Champions and their coach, Dave Wegner.

3. That a copy of this resolution be sent to Dave Wegner, coach, of the Shickley Lady Longhorns basketball team.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. McDonald asked unanimous consent to have his name added as co-introducer to LB 854. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 744 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2160.)

VISITORS

Visitors to the Chamber were 12 students and their teacher from Schuyler Central High School; 23 seniors and their teacher from Palmer; and 19 9th graders and their teacher from Friend.

RECESS

At 12:13 p.m., on a motion by Mrs. Pirsch, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. H. Peterson who was excused; and Messrs. Beutler, Clark, DeCamp, Eret, Haberman, Harris, R. Johnson, V. Johnson, Kahle, Landis, McDonald, Newell, R. Peterson, Remmers, Warner, Withem, Mesdames Higgins, Labedz, Morehead, Miss Kilgarin, and Ms. Scofield who were excused until they arrive.

ATTORNEY GENERAL'S OPINION

March 1, 1984

Re: Board of Examiners in Audiology and Speech Pathology

Dear Senator Fenger:

Your letter to Mr. Douglas dated February 24, 1984, has been referred to the undersigned. In that letter you ask whether the Board of Examiners in Audiology and Speech Pathology ("Board") will go out of existence on July 1, 1984. In our opinion, the Board will "terminate" on July 1, 1984 but will continue in existence until July 1, 1985 for the purpose of concluding its affairs.

Neb.Rev.Stat. §71-1,197 (Reissue 1981) provides that the Board shall terminate July 1, 1984 unless it is revived pursuant to §§ 81-199 to 81-1,105. Neb.Rev.Stat. §81-192 et. seq. provides for the termination of certain agencies, boards and commissions as well as for performance reviews of their activities. The Board is subject to performance reviews by the Performance Review and Audit Committee by virtue of the provisions of Neb.Rev.Stat. §81-1,106 (Reissue 1979). We believe that it is also subject to the provisions of Neb.Rev.Stat §81-199 (Supp. 1983) which provides as follows:

> Upon termination, each agency, board, or commission shall continue in existence until July 1 of the next succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of each respective agency. Upon the expiration of the one year after termination, each respective agency shall cease all activities.

The fact that the date of the termination of the Board's existence is set forth in Neb.Rev.Stat §71-1,197 (Reissue 1979) rather than in Neb.Rev.Stat. §§81-196, 81-197 or 81-198 does not dictate a contrary result. The Legislature simply chose to include the statute relative to the termination of the Board's existence in the same chapter of the statutes which describes its duties. Thus, we must conclude that the Board may continue in existence from July 1, 1984 to July 1, 1985 for the purpose of winding up its affairs. Although it would continue to exercise the same powers and authority it had prior to July 1, 1984, it must nevertheless actually commence winding up its affairs during that year. In otherwords, the Board terminates on July 1, 1984 and it continues to exist for only one real purpose—that of going out of business on July 1, 1985.

If you have any questions please do not hesitate to contact the undersigned.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Michaela M. White
Assistant Attorney General

MMW/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 962. Title read. Considered.

Mr. Carsten renewed his pending amendment, AM2269, found in the Journal on page 1319.

The Carsten amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

The Standing Committee amendments, AM1947, found in the Journal on page 895 for the Twenty-Sixth Day were adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 904. Title read. Considered.

Standing Committee amendments, AM2068, found in the Journal on page 1033 for the Thirtieth Day were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not

voting, and 10 excused and not voting.

LEGISLATIVE BILL 916. Title read. Considered.

Standing Committee amendments, AM2054, found in the Journal on page 1066 for the Thirty-First Day were considered.

Mr. Lamb offered the following amendment to the Standing Committee amendments:

AM2309

1. Insert the following new sections:

“Sec. 63. That section 71-4624, Revised Statutes Supplement, 1983, be amended to read as follows:

71-4624. (1) The application for the first or initial annual license shall be submitted with the requirements mentioned in section 71-4623, accompanied by the following fees for the following categories of mobile home parks: (a) Those having facilities for less than four mobile homes, ~~twenty~~ twenty-five dollars; (b) those having facilities for four to ~~ten~~ fifteen mobile homes, fifty dollars; (c) those having facilities for ~~eleven~~ sixteen to ~~twenty~~ twenty-five mobile homes, seventy-five dollars; ~~and~~ ~~(d)~~ (d) those having facilities for twenty-six to fifty mobile homes, one hundred dollars; (e) those having facilities for fifty-one to one hundred mobile homes, one hundred twenty-five dollars; and (f) those having facilities for more than ~~twenty~~ one hundred mobile homes, one hundred seventy-five dollars. Such license fees shall be paid for each of the categories as a condition of annual renewal of licensure.

(2) All license fees collected by the department shall be paid into the state treasury and shall be credited by the State Treasurer to the Mobile Home Park Fund, which fund is hereby created. Such fund shall be used by the department for the purpose of administering the provisions of sections 71-4621 to 71-4634.

(3) When any application is received, the department shall cause the mobile home park and appurtenances thereto to be inspected by representatives of the department. When such inspection has been made and the department finds that all of the provisions of sections 71-4621 to 71-4634 and the rules, regulations, and standards of the department have been met by the

applicant, the department shall issue an annual license. Inspection by the department or its authorized representatives at any time of a mobile home park is a condition of continued licensure.

Sec. 64. That original section 71-4624, Revised Statutes Supplement, 1983, is repealed.".

2. On page 2, line 1, strike "This" and insert "Sections 1 to 62 of this".

3. Underscore sections 1 to 62.

The Lamb amendment was adopted with 24 ayes, 0 nays, 16 present and not voting, and 9 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Landis offered the following amendment:
AM2294

1. On page 15, line 5, strike "space" and insert "park".

2. On page 23, line 8, after "safety" insert "or any condition which is ordered to be changed by the State Fire Marshal, State Electrical Board, Department of Health, or any other regulatory body with jurisdiction over either the park or the mobile home space"; and in line 20 after the period insert "If the landlord is assessed any fine, cost, or charge as a result of the tenant's failure to comply with an order issued by the State Fire Marshal, State Electrical Board, Department of Health, or any other regulatory body with jurisdiction over either the park or the mobile home space, the landlord may require the tenant to pay such fine, cost, or charge.".

3. In the Standing Committee amendments, on page 4, strike beginning with "either" in line 6 through "mail" in line 7 and insert "pursuant to section 25 of this act".

The Landis amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Lamb asked unanimous consent to withdraw his pending amendment, AM2111, found in the Journal on page 1149. No objections. So ordered.

Mr. Jacobson offered the following amendment:
AM2070

1. On page 14, line 21, and page 17, line 19, strike "sixty" and insert "thirty".

Mr. Jacobson moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Jacobson requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud	Carsten	Clark	DeCamp	Fenger
Hannibal	Hefner	Jacobson	Johnson, L.	Johnson, V.
Kahle	Lamb	Newell	Nichol	Pappas
Pirsch	Remmers	Schmit	Sieck	Von Minden

Voting in the negative, 15:

Barrett	Beutler	Goodrich	Haberman	Hoagland
Kilgarin	Landis	Lundy	Marsh	McDonald
Rupp	Vickers	Wagner	Warner	Withem

Present and not voting, 7:

Beyer	Chronister	Eret	Goll	Harris
Peterson, R.	Scofield			

Absent and not voting, 2:

Chambers	Wesely

Excused and not voting, 5:

Higgins	Johnson, R.	Labedz	Morehead	Peterson, H.

The Jacobson amendment lost with 20 ayes, 15 nays, 7 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. McDonald asked unanimous consent to print the following amendment to LB 832 in the Journal. No objections. So ordered.

AM2311

1. On page 2, line 15, strike "When", show as stricken, and insert "Except for good cause shown in the record, when".

2. On page 3, line 1, after the comma insert "findings of fact are not required and"; and in line 25 strike "In" and insert "Except for good cause shown in the record, in".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 930 in the Journal. No objections. So ordered.

AM1977

1. Strike the original sections and insert the following new sections:

"Section 1. That section 79-4,102, Revised Statutes Supplement, 1982, be amended to read as follows:

79-4,102. (1) The county superintendent of each county in which a Class VI school is not maintained shall, within thirty days after the annual meeting, certify to the county board of supervisors or commissioners the number of qualified pupils whose parents or guardians have applied to the county superintendent for nonresident high school tuition privileges or special education requirements and a list of school districts and servicing agencies for handicapped pupils which have been approved by the State Board of Education as schools or service agencies qualified to grant nonresident public high school education or special education programs to nonresident pupils under the provisions of sections 79-494 to 79-4,106 for nonhandicapped pupils and under the provisions of sections 43-606 and 43-646~~,~~ for handicapped high school age pupils.

(2) The high school tuition rate for nonresident pupils shall be determined annually by the receiving school district on a uniform compensatory basis for all such pupils.

(3) For the purposes of this section: (a) Receiving school district shall mean the school district

where a nonresident student attends school; and (b) compensatory basis shall mean on the basis of the costs of instructing the nonresident students incurred by the receiving school district.

(4) The superintendent of each receiving school district shall certify, on or before the second Monday in July of each year, to each county superintendent seeking its services, the nonresident high school tuition rate for nonhandicapped children for the ensuing school year. The rate shall not exceed one hundred twenty- five per cent of the sum which results from dividing the total annual cost of secondary instruction in the district, as stated in the most recent report to the State Department of Education, by the average daily membership of secondary students in attendance during the period included in such report made pursuant to the requirements of the State Board of Education and the department.

(5) Any taxpayer may appeal the actions of the county board of equalization in the manner provided in sections 77- 1606 to 77- 1610 for any decisions regarding the rate of tuition for nonresident secondary students. ~~The high school tuition rate for nonresident pupils shall be determined annually by the receiving district on a uniform taxation basis for the support of the high school program of the receiving district. (a) The calculation shall take from the most current annual term finance report of the receiving district on file with the State Department of Education the total current expense listed on line 294 under the secondary column and, when necessary, adjustments shall be made to reflect such expense for grades nine through twelve only, plus ten per cent depreciation listed on line 470 under the secondary column. (b) Such figure shall be divided by an amount equal to the most current total valuation on record with the county clerk of the receiving district plus the valuation determined by multiplying the most current valuation on record with the county clerk of all Class I school districts, not part of any Class VI district, in the county times a ratio equal to the number of students from the county registered to attend the receiving district for the ensuing year to the total number of nonresident students registered in the county for the ensuing year. (c) The figure resulting from dividing the expenses in~~

~~subdivision (a) of this subsection by the total valuation in subdivision (b) of this subsection shall determine a levy to be assessed against such total valuation determined in subdivision (b) of this subsection for the operation of the secondary level program.~~

~~The levy determined shall be multiplied by the proportion of the total valuation of the Class I school districts of each county served by the receiving district to determine the dollars to be raised by the Class I districts and the product of such computation shall be divided by the total number of nonresident pupils registered to attend the receiving district to determine the per pupil rate for nonhandicapped pupils. The rate to be certified by the receiving district for the ensuing school year may be any amount decided by the receiving board but not less than the per pupil cost and shall not exceed one hundred twenty-five per cent of the computed rate determined by this section. There shall be added to the certified rate an additional service rate for handicapped pupils as provided by the rules and regulations adopted and promulgated by the State Board of Education. The superintendent of the receiving school shall certify such high school tuition rate for nonresident pupils to the county superintendent on or before the second Monday of July in each year.~~

~~(3) Any taxpayer may appeal from the action of the county board of equalization in resident high school tuition in the manner provided in sections 77-1606 to 77-1610. The county treasurer, the county superintendent, and each school district receiving funds from the nonresident high school tuition affected by the appeal shall be necessary parties. If the taxpayer alleges that the levy for nonresident high school tuition is for an unlawful or unnecessary purpose or in excess of the requirements of the school district fixing nonresident high school tuition, such appeal shall not in any manner suspend the collection of any tax, nor the duties of the officers relating to such tax collection while such appeal is pending. Notwithstanding the provisions of section 77-1606, such appeal shall not suspend or stay in any manner the distribution of nonresident high school tuition funds.~~

~~(4) A taxpayer initiating an appeal may, as a part of such appeal and without instituting a separate~~

~~action, apply to the court for injunctive relief pursuant to the provisions of sections 25-1062 to 25-1080 to stay or suspend the distribution of nonresident high school tuition funds while the appeal is pending. If an appeal is brought under this subsection and the court orders the taxpayer to give security, such security shall be an amount sufficient to secure the party enjoined and any other necessary party the damages he, she, or it may sustain, if the court decides that the injunction was wrongfully granted.~~

Sec. 2. That original section 79-4,102, Revised Statutes Supplement, 1982, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

GENERAL FILE

LEGISLATIVE RESOLUTION 235CA. Read. Considered.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CLARK PRESIDING

Mr. Beutler offered the following amendment:
Delete beginning with the word "in" in line 10, page 5 through the word "process" in line 15, page 5.

Mr. Hoagland requested a record vote on the Beutler amendment.

Voting in the affirmative, 27:

Beutler
Carsten
Chambers
Clark
Eret
Goll
Goodrich
Hannibal
Hefner
Jacobson
Johnson, L.
Johnson, R.
Kahle
Lamb
Lundy
Morehead
Nichol
Pappas
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 2:

Hoagland
Newell

Present and not voting, 16:

Abboud Beyer Chronister DeCamp Fenger
Haberman Harris Johnson, V. Kilgarin Labedz
Landis Marsh McDonald Peterson, R. Wesely
Withem

Excused and not voting, 4:

Barrett Higgins Peterson, H. Schmit

The Beutler amendment was adopted with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Rupp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1089. Placed on Select File as amended.
E & R amendments to LB 1089:
AM5336

1. In the Lamb amendment adopted on March 2, 1984, on page 1, line 1, after "Strike" insert "the new matter in".

2. On page 1, line 5, after "Statutes" insert "Supplement"; in line 6 strike "various"; in line 9 strike "to provide requirements;" and in line 10 after the semicolon insert "to provide for reimbursements; to harmonize provisions;".

3. On page 2, line 12, strike the comma and show as stricken; in line 19 strike the second comma and show as stricken; and in line 21 strike the comma and show as stricken.

4. On page 3, lines 3 and 4, strike the comma and show as stricken.

5. On page 7, lines 4 and 5, strike the comma and show as stricken.

LEGISLATIVE BILL 726. Placed on Select File as amended.
E & R amendments to LB 726:
AM5337

1. In the Standing Committee amendments,

AM1777, adopted March 2, 1984:

a. On page 2, line 18, after "~~any~~" and about halfway over on the line insert "~~consecutive axles~~"; and

b. On page 8, line 4, strike "said", show as stricken, and insert "such"; in lines 4, 5, and 23, strike the commas and show as stricken; in line 10 strike ", provided that", show as stricken, and insert "if"; and in line 11 after the comma insert "the maximum load".

2. On page 1, line 3, after "sections" insert "39-6,180, 39-6,180.01,".

3. On page 2, line 25, strike the second "any" and show as stricken.

4. On page 3, line 18, strike the comma and show as stricken.

5. On page 6, line 24, strike both commas and show as stricken.

6. On page 7, lines 2, 19, and 20, strike the commas and show as stricken.

7. On page 8, lines 5, 6, 8, 9, and 12, strike the commas and show as stricken.

LEGISLATIVE BILL 822. Placed on Select File as amended.
E & R amendments to LB 822:
AM5339

1. On page 1, line 1, strike "manufactured" and insert "modular"; and in line 5 after the first semicolon insert "to rename an act;".

2. On page 2, lines 24 and 25, strike the comma and show as stricken.

3. On page 3, line 6, strike the comma.

4. On page 5, lines 2, 8, 9, and 24, strike the comma and show as stricken.

5. On page 6, lines 10 and 11, strike the comma and show as stricken; in line 17 after "inspections" insert "at the plant" and strike the comma and show as stricken; in line 18 strike ", at the plant.", show as stricken, and insert an underscored period; and in line 27 strike both commas and show as stricken.

6. On page 7, line 11, strike the comma and show as stricken, and strike "fund" and show as stricken.

7. On page 8, lines 7 and 18, strike the comma and show as stricken; and in line 8 strike "list"

and show as stricken.

8. On page 11, lines 1 and 2, strike the commas.

9. On page 12, lines 21 and 22, strike the comma and show as stricken.

10. In the Standing Committee amendments, AM1821, adopted March 2, 1984, on page 1, line 8, strike "whose" and insert "the" and after "purpose" insert "of which"; and in line 9 after "them" insert an underscored comma.

LEGISLATIVE BILL 848. Placed on Select File as amended.
E & R amendments to LB 848:
AM5340

1. On page 1, line 6, after the second semicolon insert "to provide for the transfer of funds;".

2. On page 2, line 6, strike "court" and insert "Supreme Court"; and in line 23 strike "court" and insert "courts".

3. On page 3, line 9, strike the comma and show as stricken.

4. On page 4, line 14, strike the comma and show as stricken; and in lines 15 and 20 strike the first comma and show as stricken.

LEGISLATIVE BILL 848A. Placed on Select File.

LEGISLATIVE BILL 716. Placed on Select File as amended.
E & R amendments to LB 716:
AM5341

1. On page 1, line 2, strike "71-3509,"; and strike beginning with "eliminate" in line 5 through "provisions" and insert "provide for the supersession of certain ordinances, resolutions, and regulations".

2. On page 3, line 27, after "liquid" insert an underscored comma, and strike the third comma and show as stricken.

3. On page 4, line 19, reinstate the stricken comma.

4. On page 4, line 26, and page 5, in lines 5 and 6 and line 23, strike "the provisions of".

5. On page 6, line 8, strike the comma and show as stricken; and in line 23 after the second reinstated comma, insert "or".

LEGISLATIVE BILL 910. Placed on Select File as amended.
E & R amendment to LB 910:
AM5342

1. On page 2, lines 6 and 14, strike the comma and show as stricken; and in line 17 strike the first comma.

LEGISLATIVE BILL 1076. Placed on Select File as amended.
E & R amendments to LB 1076:
AM5338

1. In lieu of the Wesely amendment, adopted on March 2, 1984, strike section 1.

2. In the DeCamp amendment, AM2198:

a. Renumber sections 2 to 4 as 1 to 3;

b. On page 1, line 11; page 3, lines 4 and 21; and page 4, lines 6 and 15 strike "4" and insert "3";

c. On page 1, line 5, strike the comma and show as stricken;

d. On page 3, line 9, strike the comma and show as stricken;

e. On page 4, lines 8, 13, and 14, strike the old comma and show as stricken;

f. On page 5, line 24, strike the comma; and

g. On page 6, line 10, strike "8-820," and the second comma; and in line 12 strike "5" and insert "4".

3. On page 1, lines 1 and 4, strike "section" and insert "sections"; in line 2 strike "8-820" and insert "8-905 and 8-906"; and in line 3 strike "eliminate a fee limitation" and insert "change provisions relating to the acquisition of newly established banks; to define terms".

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1003. Placed on General File as amended.
Standing Committee amendments to LB 1003:
AM2251

1. Strike original sections 2, 3, and 4.

2. On page 3, line 3, after the period insert "Assistance to political subdivisions shall not exceed fifty per cent of the preventive cost or twenty-five thousand dollars per county, whichever is less."; in lines 4 and 6 and 7 strike "civil defense director" and

insert “board”; and strike beginning with “The” in line 23 through “section” in line 25 and insert “To the extent that permanent structures are constructed, located, or erected pursuant to this section, flood plain management standards shall be adopted in accordance with subsection (5) of section 31-1017”.

3. Renumber original section 5 as section 2.

LEGISLATIVE BILL 586. Indefinitely postponed.
LEGISLATIVE BILL 597. Indefinitely postponed.
LEGISLATIVE BILL 649. Indefinitely postponed.
LEGISLATIVE BILL 859. Indefinitely postponed.
LEGISLATIVE BILL 998. Indefinitely postponed.
LEGISLATIVE BILL 1062. Indefinitely postponed.

(Signed) Calvin Carsten, Chairperson

Appropriations

LEGISLATIVE BILL 884. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk’s Office - Room 1102 - AM2258.)

LEGISLATIVE BILL 867. Placed on General File as amended.
Standing Committee amendment to LB 867:
AM2304

1. On page 2, line 2, strike beginning with “nine” through the second “hundred” and insert “three million two hundred forty-three thousand six hundred thirty-nine”; strike beginning with “eight” in line 4 through “fifty” in line 5 and insert “eight million five hundred fifty-eight thousand one hundred”; strike beginning with “eight” in line 7 through “twenty-four” in line 8 and insert “six million nine hundred eighty-five thousand eleven”; in line 10, after “Nebraska” insert “, Program 912,”; strike beginning with “five” in line 14 through “seventy-four” in line 15 and insert “one hundred sixty-one thousand seven hundred fifty”; and after line 17, insert:

“It is the intent of the Legislature that if the total contracted costs for construction of the Animal Science Complex plus a contingency equal to three per cent of the total contracted costs are less than the present estimated construction cost of $15,028,150, the difference shall be restored to the State Building Fund. Construction cost shall be defined as the general, mechanical, electrical, site improvement including demolition, installation of utilities, and related activities, and fixed equipment costs associated with a construction project. The term construction cost shall not include compensation paid to architects, engineers, and consultants or the cost of land or rights-of-way acquisition. It also shall not include the costs of moveable equipment, artwork, insurance, legal fees, surveys, soil tests, landscaping, program planning, relocation, moving, administration, and inspection.".

LEGISLATIVE BILL 882. Placed on General File as amended.
Standing Committee amendments to LB 882:
AM2305

1. On page 2, line 16, strike "432,975" and insert "432,221"; and in line 27 strike "2,983,221" and insert "3,035,407".

2. On page 3, line 9, strike "37,459" and insert "37,448"; in line 17 strike "147,030" and insert "147,005"; and in line 23 strike "53,527" and insert "53,598".

LEGISLATIVE BILL 1126. Placed on General File as amended.
Standing Committee amendments to LB 1126:
AM2303

1. On page 2, in lines 12 and 13, strike "220,000" and insert "100,000"; strike beginning with "and" in line 15 through "Act" in line 16; in line 19 strike "(1)"; and strike line 27.

2. On page 3, strike lines 1 through 5; in lines 9 and 10 strike "275,000" and insert "125,000"; and strike beginning with "$150,000" in line 11 through "and" in line 13.

3. Insert a new section as follows:

"Sec. 6. For fiscal year 1984-85 and each fiscal year thereafter, the Legislature shall appropriate an additional twenty-five million dollars to the School Foundation and Equalization Fund. Such amount shall be in addition to any other amounts appropriated to the School Foundation and Equalization Fund. Fifty per cent of such amount shall be distributed pursuant to section 79-1334 and the other fifty per cent of such amount shall be distributed pursuant to section 79-1339.".

4. Renumber remaining sections accordingly.

(Signed) Jerome Warner, Chairperson

MOTION - Introduction of New Bills

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. #1852.

The motion prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. #1853.

The motion prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1128. By Appropriations Committee: Warner, 25th District, Chairperson; Goodrich, 20th District; L. Johnson, 15th District; Kahle, 37th District; Kilgarin, 7th District; Marsh, 29th District; Morehead, 30th District; Wagner, 41st District.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1984, to June 30, 1985; to recite limitations on expenditures; to provide for certain transfers; to provide an operative date; to provide severability; to repeal Laws 1983, LB 630, sections 4, 9, 17, 20, 30, 31, 32, and 33, Laws 1983, LB 18A, Laws 1983, LB 19A, Laws 1983, LB 35A, Laws 1983, LB 73A, Laws 1983, LB 118A, Laws 1983, LB 121A, Laws 1983, LB 158A, Laws 1983, LB 199A, Laws 1983, LB 200A, Laws 1983, LB 204A, Laws 1983, LB 210A, Laws 1983, LB 213A, Laws 1983, LB 225A, Laws 1983, LB 234A, Laws 1983, LB 235A, Laws 1983, LB 254A, Laws 1983, LB 259A, Laws 1983, LB 273A, Laws 1983, LB 282A, Laws 1983, LB 302A, Laws 1983, LB 343A, Laws 1983, LB 356A, Laws 1983, LB 410A, Laws 1983, LB 439A, Laws 1983, LB 476A, Laws 1983, LB 539A, Laws 1983, LB 542A, Laws 1983, LB 571A, Laws 1983, LB 573A, Laws 1983, LB 579A, and Laws 1983, LB 585A; and to declare an emergency.

LEGISLATIVE BILL 1129. By Appropriations Committee: Warner, 25th District, Chairperson; Goodrich, 20th District; L. Johnson, 15th District; Kahle, 37th District; Kilgarin, 7th District; Marsh, 29th District; Morehead, 30th District; Wagner, 41st District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds; to state intent; to provide for capital construction and capital construction reaffirmations and reappropriations; to repeal certain appropriations; to provide an operative date; to repeal Laws 1983, LB 630, sections 4, 9, 17, 20, 30, 31, 32, and 33, and Laws 1983, LB 410A; and to declare an emergency.

MOTION - Place LB 1128 and LB 1129 on General File

Mr. Warner moved to suspend the rules, Rule 3, Sections 4 and 13, and Rule 6, Section 1, to place LB 1128 and 1129 on General File.

The motion prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendment to LB 886 in the Journal. No objections. So ordered.

AM2320
(Amendments to the Standing Committee amendments)

1. Strike amendments 1 and 2 and insert the following new amendments:

"1. On page 2, line 21, strike 'by the' and show as stricken; in line 22 strike 'county'; and in line 25 before 'The' insert '(1)'.

2. On page 3, in lines 2 and 3, strike the new matter and insert 'The task force established in subsection (2) of this section shall, not later than December 31, 1984,'; in line 4 strike 'the', show as stricken, and insert 'each'; in line 8 after the period insert 'The task force may, if it deems it equitable in the delivery of medical services to the poor, vary the financial eligibility criteria of the standard of need on a county by county basis.

(2) There is hereby established a Standard of Need Task Force which shall consist of one representative of the Department of Social Services and five county officials appointed by the Governor. Task force members shall have demonstrated a knowledge of and interest in the task force issue.'.

3. Strike original section 3.

4. On page 4, line 25, strike ', 68-131,'.

5. Renumber the remaining sections accordingly.".

Mr. Pappas asked unanimous consent to print the following amendment to LB 660 in the Journal. No objections. So ordered.

1. On page 2, strike the new matter beginning with "The" on line 8 through the period on line 11, and insert "~~.~~, except that in counties having a population of more than one hundred thousand and less than two hundred fifty thousand, the county assessor shall complete such filing on or before March 1 of each year.";
2. On page 3, strike the new matter and reinstate the stricken matter on lines 1 through 5; On line 3, before the period, insert ",except that in counties having population of more than one hundred thousand and less than two hundred and fifty thousand, protests shall be filed from March 1 to April 1 in order to receive review";

UNANIMOUS CONSENT - Add Co-Introducer

Messrs. Remmers, V. Johnson, Withem, McDonald, Wesely, Hefner, Hoagland, Von Minden, Pappas, Schmit, DeCamp, Goll, Hannibal, Mesdames Higgins, Labedz, Pirsch, Morehead, Ms. Scofield, and Miss Kilgarin asked unanimous consent to have their names added as co-introducer to LB 809. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 809. Title read. Considered.

Mr. Newell renewed his pending amendment, AM2296, found in the Journal on page 1340.

The Newell amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Messrs. Lundy and R. Peterson asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 6 nays, 12 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 949 in the Journal. No objections. So ordered.

AM2221

1. On page 8, line 11, strike "horse race" and insert "horserace".

2. On page 12, line 1, after "501" insert "or any volunteer fire company organized and operated pursuant to Chapter 35, article 1".

3. On page 45, line 15, strike "horse races", show as stricken, and insert "horseraces"; and in line 17 strike "horse race", show as stricken, and insert "horserace".

4. In the Standing Committee amendments, AM2134, on page 1, line 1, after "strike" insert " '9-130' and insert '9-129' and".

VISITORS

Visitors to the Chamber were 47 third and fourth grade students and teacher from East Ridge School, Lincoln.

ADJOURNMENT

At 4:23 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Wednesday, March, 7, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 7, 1984

LEGISLATIVE JOURNAL

FORTY-FIRST DAY - MARCH 7, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 7, 1984

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Janice Sutter, Minister of First Mennonite Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson and Lundy who were excused; and Messrs. Abboud, Chambers, Hoagland, V. Johnson, McDonald, Newell, R. Peterson, Mesdames Higgins, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fortieth Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 286.

Introduced by DeCamp, 40th District.

WHEREAS, the state basketball tournament is an annual celebration of athletic excellence; and

WHEREAS, the sport of basketball serves to enhance the educational goals of the citizens of Nebraska; and

WHEREAS, the field of competitors at the state basketball tournament is composed of proven champions of their respective regions; and

WHEREAS, the Clearwater Cardinals emerged unscathed from this test of athletic skill as the best D-2 team in the State with a record of

23-0.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The achievement of the State Championship through many outstanding individual performances as well as fine team play by the Clearwater boys basketball team be recognized and commended by this Legislature; and
2. A copy of this resolution be sent to the superintendent of Clearwater High School, Coach Rick Hesse of Clearwater, and the student government organization of Clearwater High School.

Laid over.

LEGISLATIVE RESOLUTION 279. Read. Considered.

LR 279 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 281. Read. Considered.

LR 281 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 283. Read. Considered.

LR 283 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 285. Read. Considered.

LR 285 was adopted with 25 ayes, 0 nays, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 761. Title read. Considered.

Standing Committee amendments, AM2062, printed separate from the Journal and referred to on page 1102 for the Thirty-Second day were considered.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

on line 21 page 10 delete the word "or"

on line 22 page 10 delete the words "aiding and abetting such activities"

The Beutler amendment was adopted with 12 ayes, 0 nays, 29 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Beutler offered the following amendment:
strike the words "hospital or other" in line 16, page 5 and substitute the words "licensed or certified"

The Beutler amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 761A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 838. Title read. Considered.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM2113, found in the Journal on page 1129 for the Thirty-Third Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 886. Title read. Considered.

Standing Committee amendments, AM2104, found in the Journal on page 1151 for the Thirty-Fourth Day were considered.

Mr. Kahle renewed his pending amendment, AM2237, to the Standing Committee amendments found in the Journal on page 1318.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mrs. Marsh requested a roll call vote on the Kahle amendment.

Voting in the affirmative, 31:

Abboud Barrett Beyer Chronister Clark
DeCamp Eret Goll Haberman Hefner
Higgins Jacobson Johnson, L. Kahle Kilgarin
Labedz Lamb McDonald Morehead Nichol
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Von Minden Wagner
Warner

Voting in the negative, 12:

Carsten Chambers Fenger Goodrich Hannibal
Johnson, V. Landis Marsh Newell Pappas
Wesely Withem

Present and not voting, 2:

Beutler Harris

Excused and not voting, 4:

Hoagland Johnson, R. Lundy Vickers

The Kahle amendment was adopted with 31 ayes, 12 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Kahle asked unanimous consent to withdraw his pending amendment, AM2320, found in the Journal on page 1385. No objections. So ordered.

Mr. V. Johnson offered the following amendment to the Standing Committee amendments:

Amendment to the Committee Amendments

1. Insert the following new section:

"Sec. 5. That section 68-1022, Revised Statutes Supplement, 1983, be amended to read as follows:

68-1022. Except for care in a state institution and care on behalf of persons who have a right of residence on any reservation under the jurisdiction of the government of the United States, the cost of medical assistance paid by the county in which the recipient may have a legal settlement shall be eighteen per cent commencing July 1, 1979. Commencing July 1, 1980, the county shall pay sixteen per cent of the cost of such medical assistance. Commencing July 1, 1981, the county shall pay fourteen per cent of the cost of such medical assistance.

2. On page 4, line 26, strike "and" and after "68-137" insert "and

68-1022".

3. Renumber the remaining sections accordingly.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Chronister and Barrett asked unanimous consent to print the following amendment to LB 1064 in the Journal. No objections. So ordered.

page 2, line 18, after "involved."
~~The person, firm, or corporation entitled to a lien pursuant to this section may forclose the same in the manner provided by law for the foreclosing of secured transactions. At least thirty days before the sale of the livestock for the satisfaction of such lien, the person, firm, or corporation entitled to the lien shall file in the office of the county clerk in the county in which the livestock are fed and kept an affidavit describing the livestock and setting forth the amount justly due for the feeding and keeping of the livestock,~~
page 3, line 1:
~~products furnished, machinery and equipment used, or performance of work or labor.~~
New language, beginning on page 2, line 18:
Such person, firm or corporation furnishing feed or feed ingredients, machinery and equipment, or performing work or labor in the feeding of livestock shall file a notice in the office of the county clerk of the county in which such livestock are located. Such notice of lien shall:

(1) designate the name and address of the person for whom such feed or feed ingredients, machinery and equipment or work or labor were provided;
(2) the amount due for such feed or feed ingredients, machinery and equipment or work or labor performed covered by the lien;
(3) the place where such livestock are located;
(4) A reasonable description of such livestock including the number and type of such livestock, and
(5) the last date on which such feed or feed ingredients, machinery and equipment or work or labor were supplied.

Such lien shall attach as of the date of the filing if filed in the manner provided in this section and may be foreclosed in the manner and form provided for the foreclosure of secured transactions provided in article 9 of the Uniform Commercial Code.
Upon receipt of a lien filed pursuant to this Section, or an amendment, release or termination of such lien, the county clerk shall immediately transmit to the Secretary of State the following document information:

(a) Identification of the document;
(b) Document number;

(c) Name and address of the debtor or debtors;
(d) Name and address of the creditor or creditors;
(e) Type or types of goods covered;
(f) Date and time of filing; and
(g) Social security or federal identification number of the debtor or debtors, if known.

The fee for filing, amending, or releasing such lien shall be the same as set forth in section 9-403, Uniform Commercial Code.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LR 235. No objections. So ordered.

Mr. Wagner asked unanimous consent to have his name added as co-introducer to LB 1008. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 287.

Introduced by Marsh, 29th District.

WHEREAS, Deborah Jean Salyards was honored by being chosen as Mrs. Nebraska for 1983; and

WHEREAS, Deborah Jean Salyards has demonstrated great public service by her career in teaching and coaching and by her affiliation with the Lincoln Education Association, National Education Association, and United States Volleyball Association; and

WHEREAS, Deborah Jean Salyards has served her community by donating time for the Lincoln General Hospital Benefit, by helping make video tapes for the Service Association of Nebraska, by helping to raise funds for the Lincoln Community Playhouse, and by sponsoring the Jump Rope for Heart Marathon.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends congratulations to Deborah Jean Salyards on her selection as Mrs. Nebraska for 1983 and further recognizes her devoted efforts on behalf of her family, community, and the state.
2. That a copy of this resolution be sent to Deborah Jean Salyards.

Laid over.

SELECT FILE

LEGISLATIVE BILL 645. E & R amendments, AM5327, found in the Journal on page 1287 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 694. E & R amendments, AM5323, found in the Journal on page 1288 for the Thirty-Ninth Day were adopted.

Mr. Beyer asked unanimous consent to withdraw his pending amendment found in the Journal on page 1146. No objections. So ordered.

Mrs. Labedz renewed her pending amendment, AM2255, found in the Journal on page 1332.

The Labedz amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

MR. CLARK PRESIDING

Mr. Vickers offered the following amendment:
AM2307
(Amendments to the Labedz amendment, AM1934)

1. On page 1, line 2, strike "and (3)" and insert ", (3), and (4)"; in line 12 after "examiner" insert "(a)"; in line 16 after "issued" insert "and (b) a correctly completed examination form as described in subsection (4) of this section"; in line 17 after "receive" insert "an examination form and"; strike beginning with "using" in line 18 through "in" in line 19 and insert "pursuant to the provisions of subsection (4) of this section and"; and in line 22 after the first period insert the following new subsection:

"(4) The Department of Motor Vehicles shall develop a written examination form for persons seeking renewal of a Class A motor vehicle operator's license which tests the applicant's knowledge of the motor vehicle laws of this state. The department shall prescribe the standards for passing or failing the examination and shall provide the examination form to an applicant upon his or her request for renewal of a Class A motor vehicle operator's license. The applicant for renewal may complete the examination form and present the completed examination form and the abstract to the examiner at the time and place he or she renews his or her license. The examination form shall provide a place for a signed and dated statement in which the applicant declares himself or herself to be the person who completed the examination form. The examiner shall issue the new license after he or she has determined that (a) the completed examination form meets the standards of the Department of Motor Vehicles, (b) the applicant has had no traffic violations as described in section 39-669.26 from the date the operator's license was last issued to the date the abstract was issued, and (c) the applicant meets all other requirements for a Class A motor vehicle operator's license as prescribed by law.".

Mr. Beyer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud Barrett Beutler Beyer Chambers
Fenger Goll Johnson, V. Kahle Landis
Marsh Morehead Nichol Peterson, H. Peterson, R.
Pirsch Scofield Sieck Vickers Von Minden
Warner Wesely

Voting in the negative, 19:

Carsten Chronister DeCamp Haberman Hannibal
Hefner Higgins Johnson, L. Kilgarin Labedz
Lamb McDonald Newell Pappas Remmers
Rupp Schmit Wagner Withem

Present and not voting, 5:

Clark Eret Goodrich Harris Jacobson

Excused and not voting, 3:

Hoagland Johnson, R. Lundy

The Vickers amendment lost with 22 ayes, 19 nays, 5 present and not

voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment with 28 ayes, 14 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 694A. Mrs. Marsh requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 8 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 993. E & R amendments, AM5325, found in the Journal on page 1288 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

MOTION - Expedite LB 809

Mr. Newell asked unanimous consent to expedite LB 809. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Clark asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

AM2328
(Amendments to AM2106)

1. On page 2, line 20, strike beginning with "in" through "optometry", show as stricken, and insert "for diagnostic purposes authorized under subdivision (2) of section 71-1,133"; and strike the new matter in lines 25 and 26.

2. On page 3, line 3, strike the underscored period; in line 4 reinstate the stricken matter; after line 4 insert a new subsection as follows:

"(2) No optometrist licensed in this state on the effective date of this act shall use topical ocular pharmaceutical agents for treatment purposes under subdivision (3) of section 71-1,133 unless such person submits to the Board of Examiners in Optometry evidence of satisfactory completion of all educational requirements as adopted by the department upon the recommendation of the Board of Examiners in Optometry or at a school or college which is approved by the department pursuant to section 4 of this act, and has been certified to use topical ocular pharmaceutical agents."; in line 5, strike "(2)" and insert "(3)"; and in line 15 strike "(3)" and insert "(4)" and strike "August" and insert "October".

3. On page 4, line 8, strike "inspect" and insert "evaluate the curriculum of"; in line 17 after "agents" insert "pursuant to subdivision (3) of section 71-1,133"; in lines 17 and 24 strike "inspection" and insert "evaluation"; and in line 22 strike "inspections" and insert "evaluations".

4. On page 5, line 1, strike "inspections" and insert "evaluations"; and strike beginning with "appointed" in line 2 through line 9 and insert: "of five members which shall be composed of:

(1) The Director of Health or his or her designee from the staff of the Bureau of Examining Board;

(2) A member of the Board of Examiners in Optometry or its representative;

(3) A member of the Board of Examiners in Medicine and Surgery or its representative;

(4) The executive director of the Nebraska Coordinating Commission for Postsecondary Education; and

(5) A pharmacologist from an institution of postsecondary education in the State of Nebraska.".

Mr. Lamb asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

Strike Section 15

Mr. Schmit asked unanimous consent to print the following amendment to LB 727 in the Journal. No objections. So ordered.

AM2334

1. Strike the Standing Committee amendments.

2. On page 2, line 3, strike "It", show as stricken, and insert "(1) From the effective date of this act until May 1, 1986, it"; in line 8 strike the underscored semicolon; and after line 14 insert:

"(2) After May 1, 1986, it shall be the duty of the Attorney General to commence, prosecute, and defend any and all actions affecting the rights of Nebraska water users in interstate streams against appropriators in any other state and to take such steps as in his or her judgment are required to protect any and all interests of appropriators of water within this state in such cases.”.

3. Insert the following new section:

“Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

Mr. Haberman asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2128
(Amendments to the Standing Committee amendment)

1. On page 3, in lines 14 and 15 strike, “, educational service units,”.

2. On page 7, line 26, strike the new matter.

3. On page 9, line 18, strike “and educational service units”; and in lines 23 through 26, strike the new matter and reinstate the stricken matter.

4. On page 10, in lines 6, 10, 14, 19, and 24, strike the new matter and reinstate the stricken matter.

5. On page 11, line 1, strike the new matter and reinstate the stricken matter.

6. On page 12, in lines 5 and 18, strike the new matter and reinstate the stricken matter.

7. On page 13, line 3, strike the new matter and reinstate the stricken matter.

Mr. Wesely asked unanimous consent to print the following amendment to LB 457 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk’s Office - Room 1102 - AM2331.)

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1076 in the Journal. No objections. So ordered.

AM2312

1. Insert a new section as follows:

“Section 1. That section 8-903, Revised Statutes Supplement, 1983, be amended to read as

follows:

8-903. It shall be unlawful for any action to be taken after March 12, 1963, which results in a company becoming a bank holding company as defined in section 8-902. Nothing in sections 8-901 to 8-904 shall prohibit (1) a bank holding company or a company which owns only one bank which is not a bank holding company as defined in section 8-902, (2) a bank holding company as defined in section 8-1202, or (3) an out-of-state bank holding company as defined in 12 U.S.C. 1842(d) as it exists on August 26, 1983, and which on March 12, 1963, owned at least two banks in this state, from directly or indirectly owning or controlling more than twenty-five per cent of the voting shares of any bank or the power to control in any manner the election of a majority of the directors of any bank, unless upon such acquisition the banks so owned or controlled would have deposits greater than an amount equal to nine per cent of the total deposits of all banks in this state plus the total deposits, savings accounts, passbook accounts, and shares in savings and loan associations and building and loan associations in this state as determined by the Director of Banking and Finance on the basis of the most recent calendar year-end reports. If any person, association, partnership, or corporation owns twenty-five per cent or more of the voting stock of any bank holding company acquiring a bank and any such person, association, partnership, or corporation owns twenty-five per cent or more of the voting stock of any other bank or bank holding company in Nebraska, then the total deposits of such other bank or banks and of all banks owned or controlled by such bank holding company shall be included in the computation of the total deposits of a bank holding company acquiring a bank. No bank holding company shall be allowed to own or control more than nine banks located in the State of Nebraska at any time after August 26, 1983. A bank holding company, including an out-of-state bank holding company, may not acquire any bank which has been chartered by this state or the Comptroller of the Currency of the United States of America for less than five years. ~~Acquisition right or rights provided in this section to any bank holding company, including any out- of- state bank holding company, if not exercised at the time permitted in this section, may be carried forward to one or more~~

~~subsequent years to be exercised on a cumulative basis.~~ A bank which acquires and holds all or substantially all of the voting stock of one newly established bank under sections 8-905 and 8-906 shall not have such acquisition count against the total deposit limitation or bank acquisition limitation imposed by this section, nor shall such acquisition be limited, restricted, or disallowed by any other prohibition imposed by this section.".

2. In the DeCamp amendment, AM2198, on page 6, line 10, strike "8-820" and insert "8-903".

3. In the E & R amendments, AM5338:

a. Strike amendments 2a, 2b, and 2g; and

b. On page 1, line 18, strike "8-905" and insert "8-903, 8-905,".

GENERAL FILE

LEGISLATIVE BILL 886. Mr. V. Johnson renewed his pending amendment found in this day's Journal.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson offered the following amendment:
AM2319

1. Strike original section 3.

2. On page 4, line 7 after the first comma insert "or" and strike ", or child"; and in line 25 strike ", 68-131,".

3. Renumber the remaining sections accordingly.

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Kahle moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for Review with 27 ayes, 5 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

VISITORS

Visitors to the Chamber were Mrs. Ruth Walla, Mrs. Helen Barnes, Mrs. Wilma Scott, and Mrs. Shirley Mehaffey from North Bend; 19 seniors and teacher from Beemer; former Senator Cope from Kearney; 23 twelfth graders and teacher from Giltner; Lou Nineger, Roy Kizzier, Clarence Brunkhorst, Ward Schrack, Tom Dobbe, Steve Hatcher, Paige Carlin, Dean Lane, and Rich Swanson from Kearney; and Marina Swoboda from Omaha.

RECESS

At 12:08 p.m., on a motion by Speaker Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson and Lundy who were excused; and Messrs. Clark, Harris, Lamb, McDonald, Newell, and Mrs. Labedz who were excused until they arrive.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

Governor Appointment Carla Knapp	Tuesday, March 20, 1984	12:00 noon

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 962 in the Journal. No objections. So ordered.

Page 33, Line 26, After the word "collect" add the words "from the purchaser".
Page 37, Line 4, After the word "collect" add the words "from the purchaser".

ANNOUNCEMENT

Speaker Nichol announced today is Senator Vickers' birthday.

MOTION - Return LB 1026 to Select File

Mr. Eret moved to return LB 1026 to Select File for the following specific amendment:
Strike the enacting clause.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Eret motion to return to Select File lost with 10 ayes, 22 nays, 12 present and not voting, and 5 excused and not voting.

MOTION - Recommit LB 1026 to Committee

Mr. Chambers moved to recommit LB 1026 to Committee.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers motion lost with 6 ayes, 20 nays, 20 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1026. With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-157 and 8-903, Revised Statutes Supplement, 1983; to provide exceptions to certain limitations; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill

pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Hoagland	Jacobson	Johnson, L.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Marsh
McDonald	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Von Minden	Wagner	Warner	Wesely
Withem				

Voting in the negative, 2:

Chambers	Vickers

Present and not voting, 4:

Eret	Higgins	Morehead	Scofield

Excused and not voting, 2:

Johnson, R.	Lundy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 405.

A BILL FOR AN ACT relating to probate proceedings; to amend section 30-24,105, Reissue Revised Statutes of Nebraska, 1943; to require the recording of certain documents of distribution as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal

Harris Hefner Higgins Hoagland Johnson, L.
Johnson, V. Kahle Kilgarin Labedz Lamb
Landis Marsh McDonald Morehead Newell
Nichol Pappas Peterson, R. Pirsch Remmers
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 3:

Jacobson Peterson, H. Rupp

Excused and not voting, 2:

Johnson, R. Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 746. With Emergency.

A BILL FOR AN ACT relating to labor; to amend section 48-620, Reissue Revised Statutes of Nebraska, 1943, section 48-628.02, Revised Statutes Supplement, 1982, and section 48-628, Revised Statutes Supplement, 1983; to provide for interest payments on advances to the Unemployment Trust Fund; to change provisions relating to conditions which disqualify applicants for benefits; to define a term; to change a provision relating to extended benefits; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud Barrett Beutler Beyer Carsten
Chronister Clark DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Johnson, V. Kahle Kilgarin Labedz Lamb
Landis Marsh Morehead Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 2:

McDonald Newell

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Johnson, R. Lundy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 705.

A BILL FOR AN ACT relating to insurance; to amend section 44-1620, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 115, Eighty-eighth Legislature, Second Session, 1984; to change provisions relating to an insurance option for certain state employees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Barrett Beyer Carsten Chambers Chronister
Clark DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, V.
Kahle Kilgarin Labedz Lamb Landis
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Rupp
Schmit Scofield Sieck Vickers Wagner
Warner Wesely Withem

Voting in the negative, 2:

Abboud Von Minden

Present and not voting, 2:

Beutler	Remmers

Excused and not voting, 2:

Johnson, R.	Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1026, 405, and 746.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 644. With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 79-2911 and 79-2914, Reissue Revised Statutes of Nebraska, 1943; to increase the membership of the Nebraska Educational Facilities Authority; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Harris	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Excused and not voting, 2:

Johnson, R. Lundy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 653. With Emergency.

A BILL FOR AN ACT relating to state employees' retirement; to require approval by the Public Employees Retirement Board prior to any change in the type of investment of certain funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Marsh McDonald Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Schmit Sieck
Vickers Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Scofield

Excused and not voting, 2:

Johnson, R. Lundy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 673.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend section 81-1403, Reissue Revised Statutes of Nebraska, 1943; to provide a duty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Marsh McDonald Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Schmit Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Excused and not voting, 2:

Johnson, R. Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 683. With Emergency.

A BILL FOR AN ACT relating to county buildings; to amend section 23-120, Revised Statutes Supplement, 1982; to change the limitations on allowable appropriations as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud Barrett Beyer Carsten Chambers
Chronister Clark DeCamp Eret Fenger

Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Withem				

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Johnson, R.	Lundy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 279, LR 281, LR 283, and LR 285.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 690.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-129.01, Reissue Revised Statutes of Nebraska, 1943; to change liability for certain guests; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beutler	Beyer	Carsten

Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, V. Kilgarin Labedz Lamb
Landis Marsh McDonald Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Schmit Scofield Sieck
Vickers Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Kahle

Excused and not voting, 2:

Johnson, R. Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 697.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-420, Reissue Revised Statutes of Nebraska, 1943; to change a bond requirement as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Marsh McDonald Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Schmit Scofield
Vickers Von Minden Wagner Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Sieck Warner

Excused and not voting, 2:

Johnson, R. Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 729. With Emergency.

A BILL FOR AN ACT relating to public power; to amend section 70-1012, Reissue Revised Statutes of Nebraska, 1943; to provide an exception from an approval requirement for acquisition of certain transmission lines and facilities; to eliminate a presumption relating to such lines and facilities; to repeal the original section, and also section 70-1012.02, Revised Statutes Supplement, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Jacobson Johnson, L. Johnson, V.
Kahle Kilgarin Labedz Lamb Landis
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Eret Hoagland

Excused and not voting, 2:

Johnson, R. Lundy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 730.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1020, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain assessments; to change provisions relating to use of a fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Marsh McDonald Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Schmit Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Excused and not voting, 2:

Johnson, R. Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 749.

A BILL FOR AN ACT relating to schools; to amend section 79-4,123, Revised Statutes Supplement, 1982; to change a provision relating to fire prevention instruction; to eliminate the publication of certain information in the teachers' handbook as prescribed; and to repeal the original section, and also section 79-4,124, Reissue Revised Statutes of

Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Harris	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Excused and not voting, 2:

Johnson, R. Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 750.

A BILL FOR AN ACT relating to judges' retirement; to amend section 24-708, Reissue Revised Statutes of Nebraska, 1943, and section 24-701, Revised Statutes Supplement, 1983; to define a term; to change retirement provisions as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Goodrich	Haberman	Hannibal
Higgins	Hoagland	Johnson, L.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Marsh	McDonald
Morehead	Newell	Pappas	Remmers	Rupp

Schmit	Scofield	Sieck	Vickers	Wagner
Warner	Wesely	Withem		

Voting in the negative, 11:

Eret	Fenger	Goll	Hefner	Jacobson
Lamb	Nichol	Peterson, H.	Peterson, R.	Pirsch
Von Minden				

Present and not voting, 3:

Beutler	Chambers	Harris

Excused and not voting, 2:

Johnson, R.	Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 752.

A BILL FOR AN ACT relating to corporate trustees; to amend section 24-601.04, Reissue Revised Statutes of Nebraska, 1943; to allow certain retirement and pension fund investments for political subdivisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Fenger	Goll	Hannibal
Harris	Hefner	Higgins	Hoagland	Johnson, L.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely			

Voting in the negative, 5:

Beutler	Goodrich	Haberman	Lamb	Pirsch

Present and not voting, 5:

Chambers Eret Jacobson Peterson, R. Withem

Excused and not voting, 2:

Johnson, R. Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 773.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-901, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to appearance bonds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Marsh McDonald Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Schmit Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Excused and not voting, 2:

Johnson, R. Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 811.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-308 and 60-403, Reissue Revised Statutes of Nebraska, 1943, sections 60-406.04, 60-411, and 60-415, Revised Statutes Supplement, 1982, and section 60-407, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 710, Eighty-eighth Legislature, Second Session, 1984; to provide for the furnishing of vehicle registration records; to change provisions relating to the issuance, replacement, and renewal of a motor vehicle operator's license or permit; to harmonize provisions; to eliminate a provision relating to color photographs; to eliminate a provision relating to obtaining a motor vehicle operator's license outside the county of residence; and to repeal the original sections, and also sections 60-405.01 and 60-406.05, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Chronister
Goll
Hefner
Kahle
Marsh
Pappas
Rupp
Von Minden
Barrett
Clark
Goodrich
Higgins
Kilgarin
McDonald
Peterson, H.
Schmit
Wagner
Beutler
DeCamp
Haberman
Hoagland
Labedz
Morehead
Peterson, R.
Scofield
Warner
Beyer
Eret
Hannibal
Johnson, L.
Lamb
Newell
Pirsch
Sieck
Wesely
Carsten
Fenger
Harris
Johnson, V.
Landis
Nichol
Remmers
Vickers
Withem

Voting in the negative, 0.

Present and not voting, 1:

Jacobson

Excused and not voting, 3:

Chambers
Johnson, R.
Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. CLARK PRESIDING

LEGISLATIVE BILL 818.

A BILL FOR AN ACT relating to water resources; to amend sections 46-229 and 46-294, Revised Statutes Supplement, 1983; to change provisions relating to when an appropriation ceases; to change a condition for approval of transfer of an appropriation; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Chronister
Goll
Hefner
Johnson, V.
Landis
Nichol
Remmers
Vickers

Barrett
Clark
Goodrich
Higgins
Kahle
Marsh
Pappas
Rupp
Wagner

Beutler
DeCamp
Haberman
Hoagland
Kilgarin
McDonald
Peterson, H.
Schmit
Warner

Beyer
Eret
Hannibal
Jacobson
Labedz
Morehead
Peterson, R.
Scofield
Wesely

Carsten
Fenger
Harris
Johnson, L.
Lamb
Newell
Pirsch
Sieck
Withem

Voting in the negative, 0.

Present and not voting, 1:

Von Minden

Excused and not voting, 3:

Chambers
Johnson, R.
Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 853.

A BILL FOR AN ACT relating to the Department of Roads; to authorize the acquisition of certain property and related interests as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Barrett
Beyer
Carsten
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Remmers

Excused and not voting, 3:

Chambers
Johnson, R.
Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendments to LB 862

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM2019, found in the Journal on page 1131 to LB 862. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 862.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Supplement, 1983; to change the tax rate on certain packages of cigarettes; to modify the disposition of proceeds as prescribed; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Harris	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, V.	Kahle
Labedz	Lamb	Landis	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Hannibal	Kilgarin	McDonald

Excused and not voting, 3:

Chambers	Johnson, R.	Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Hannibal and Withem asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 881 to Select File

Speaker Nichol moved to return LB 881 to Select File for his pending specific amendment found in the Journal on page 1362.

The Nichol motion to return prevailed with 30 ayes, 2 nays, 12 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 881. The Nichol specific amendment found in the Journal on page 1362 was adopted with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 897.

A BILL FOR AN ACT relating to the Department of Water Resources; to amend sections 46-210 and 46-212, Reissue Revised Statutes of Nebraska, 1943, and sections 31-410.01 and 46-209, Revised Statutes Supplement, 1982; to eliminate provisions relating to approval of plans for proposed drainage districts; to harmonize provisions; and to repeal the original sections, and also section 46-211, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Barrett
Beyer
Carsten
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Harris
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Jacobson

Excused and not voting, 5:

Chambers
Hannibal
Johnson, R.
Lundy
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 899. With Emergency.

A BILL FOR AN ACT relating to financial institutions; to amend sections 21-1320.01 and 21-17,120.02, Revised Statutes Supplement, 1982, and sections 8-407.03 and 8-702, Revised Statutes Supplement, 1983; to place duties on financial institutions as prescribed; to provide penalties; to allow for an extension of time; to harmonize provisions; to eliminate a provision relating to extension of time; to repeal the original sections, and also section 8-301.01, Revised Statutes Supplement, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
DeCamp
Fenger
Goll
Goodrich
Haberman
Harris
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 2:

Eret
Jacobson

Excused and not voting, 5:

Chambers
Hannibal
Johnson, R.
Lundy
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER NICHOL PRESIDING

MR. CLARK PRESIDING

LEGISLATIVE BILL 969.

A BILL FOR AN ACT relating to prairie dogs; to amend section 2-1063, Reissue Revised Statutes of Nebraska, 1943; to relieve certain officials of the duty to exterminate as prescribed; and to repeal the original section, and also sections 2-1064 and 2-1065, Reissue Revised

Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Goll
Goodrich	Haberman	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, V.	Kahle	Labedz
Lamb	Landis	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Vickers
Von Minden	Wagner	Warner	Wesely	

Voting in the negative, 1:

Sieck

Present and not voting, 4:

Fenger	Harris	Kilgarin	Marsh

Excused and not voting, 5:

Chambers	Hannibal	Johnson, R.	Lundy	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 995. With Emergency.

A BILL FOR AN ACT relating to employment security; to amend section 48-652, Revised Statutes Supplement, 1982; to change provisions relating to the manner in which benefits shall be charged against employers; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud Barrett Beutler Beyer Carsten
Chronister Clark DeCamp Eret Fenger
Goll Goodrich Haberman Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, V.
Kahle Kilgarin Labedz Lamb Landis
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely

Voting in the negative, 0.

Excused and not voting, 5:

Chambers Hannibal Johnson, R. Lundy Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1119.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-102, 16-103, 17-301, and 17-305, Reissue Revised Statutes of Nebraska, 1943; to provide for a procedure for the reorganization of certain cities and villages; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud Barrett Beyer Carsten Chronister
Clark DeCamp Eret Fenger Goll
Goodrich Haberman Harris Hefner Hoagland
Jacobson Johnson, L. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Marsh McDonald
Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Schmit
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely

Voting in the negative, 0.

Present and not voting, 2:

Beutler Higgins

Excused and not voting, 5:

Chambers Hannibal Johnson, R. Lundy Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 705, 644, 653, 673, 683, 690, 697, 729, 730, 749, 750, 752, 773, 811, 818, 853, 862, 897, 899, 969, 995, and 1119.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 809. Placed on Select File as amended.
E & R amendments to LB 809:
AM5345

1. On page 1, line 6, after the semicolon insert "to provide requirements for property tax statements;".

2. On page 2, line 5; page 4, line 22; page 5, line 26; page 6, line 7; page 9, lines 7 and 23; and page 10, line 19, strike "77-3505, 77-3507 to".

3. On page 2, line 5; page 4, line 23; page 5, line 27; page 6, line 8; page 9, lines 8 and 23; and page 10, line 20, strike "section 2" and insert "sections 2 and 3".

4. On page 3, line 15, strike the comma and show as stricken.

5. On page 4, line 26, after "under" insert "such"; and in line 27 strike beginning with "77-3501" through the last comma and show the old matter as stricken.

6. On page 5, line 1, strike the new matter; in line 15 after "1" insert an underscored comma; and in line 24 strike the comma and show as stricken.

7. On page 6, line 3, strike the comma and

show as stricken.

8. On page 7, lines 10, 11, 21, 22, 26, and 27, strike the comma and show as stricken.

9. On page 9, lines 8, 16, 18, and 19, strike the first comma and show as stricken; in line 11 after “by” insert “such”; and strike beginning with “77-3501” in line 11 through “act” in line 12 and show the old matter as stricken.

10. On page 10, line 7, strike the last comma and show as stricken; in lines 11 and 12 strike the comma and show as stricken; in line 22 after “to” insert “such” and after “subdivision” insert “or sections,”; and strike beginning with “(1)” in line 22 through the second coma in line 24 and show the old matter as stricken.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 1113 in the Journal. No objections. So ordered.

AM2356

1. Insert a new section as follows:

“Section 1. That section 29-424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-424. When a citation is used by a peace officer, he or she shall enter thereon all required information, including the name and address of the cited person, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the citation. One copy of the citation shall be delivered to the person cited, and a duplicate thereof shall be signed by such person, giving his or her promise to appear at the time and place stated therein. Such person thereupon shall be released from custody. As soon as practicable, one copy of the citation shall be filed with the court specified therein, and the copy signed by the person cited shall be delivered to the prosecuting attorney. At least twenty-four hours before the time set for appearance of the cited person, the prosecuting attorney or other person authorized by law to issue a complaint for the particular offense shall either issue and file a complaint charging such person with an offense, or file with the court and deliver to such person a notice that a complaint has been refused and that such person is released from his or her obligation to appear or that the offense charged in the original citation has been changed or amended as specified. A person cited pursuant to sections 29-422 to 29-430 may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers. A court may by its rules, provide that cases involving an infraction or misdemeanor may be dismissed if a complaint for the offense is not filed with the court, pursuant to this section, at least twenty- four hours before the scheduled appearance of the defendant in court.".

2. On page 2, line 22, strike "section" and insert "sections 29-424 and"; and in line 23 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

Mr. Lamb asked unanimous consent to print the following amendment to LB 341 in the Journal. No objections. So ordered.

AM2268

1. Insert a new section as follows:

"Sec. 3. That section 79-1338, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1338. From the sum calculated pursuant to section 79-1336, each district shall subtract operating funds obtained from (1) the State of Nebraska under section 79-1334, (2) the qualifying levy prescribed in section 79-1335, except that ~~; Provided,~~ operating funds received from that portion of the local tax levy which exceeds the minimum prescribed in section 79-1335 shall be excluded from this computation, (3) tuition receipts as defined in this section, (4) fines, (5) license fees, (6) transportation reimbursements, (7) the Insurance Tax Fund, and (8) funds received under the provisions of Chapter 79, article 13.

For purposes of making the computations required in subdivision (3) of this section, the school district shall exclude all special education tuition receipts. Tuition receipts shall include only those receipts which exceed one hundred twenty-five per cent of the elementary ~~or secondary~~ per pupil costs~~,~~ ~~whichever is applicable,~~ as reported in the annual financial report for the appropriate year based on the enrollment of nonresident elementary students as reported in the fall school district membership report for the appropriate year. ~~Such tuition receipts shall be computed separately for elementary and secondary pupils.~~”.

2. On page 3, line 6 strike “section 79-1332” and insert “sections 79-1332 and 79-1338”; and in line 7 strike “is” and insert “are”.

3. Renumber original section 3 as section 4.

Mr. Goodrich asked unanimous consent to print the following amendment to LB 1076 in the Journal. No objections. So ordered.

1. Strike the Wesely amendment found on page 1265 of the Journal. 2. Strike E & R Amendments 1, 2a, 2b, 2g and 3 found on Page 1381 of the Journal.

Mr. Hefner asked unanimous consent to print the following amendment to LB 949 in the Journal. No objections. So ordered.

AM2318
(Amendments to the Standing Committee amendments)

1. On page 1, line 1, after “20,” insert “strike ‘9-130’ and insert ‘9-129’ and”.

2. Insert the following new amendments:

“2. On page 8, line 11, strike ‘horse race’ and insert ‘horserace’.

26. On page 45, line 15, strike ‘horse races’, show as stricken, and insert ‘horseraces’; and in line 17 strike ‘horse race’, show as stricken, and insert ‘horserace’.”.

3. Insert the following new section:

“Sec. 75. (1) On October 1, 1984, any records or equipment of the Nebraska Bingo and Pickle Card Regulatory Commission shall be transferred to the Department of Revenue.

(2) On October 1, 1984, the balance of any appropriation to the Nebraska Bingo and Pickle Card Regulatory Commission for Program 504 or any funds of such commission shall be transferred and appropriated to the Department of Revenue for Program 504 for the purpose of carrying out its duties pursuant to the Nebraska Bingo and Lottery Control Act.”.

4. Renumber the remaining amendments accordingly.

5. Renumber the remaining sections accordingly.

Mr. Newell asked unanimous consent to print the following amendment to LB 956 in the Journal. No objections. So ordered.

AM2340

1. Insert a new section as follows:

"Sec. 2. All property tax statements for homesteads granted an exemption in sections 77-3507 to 77-3509 shall show the amount of the exemption, the tax that would otherwise be due, and a statement that the tax loss shall be reimbursed by the state as a homestead exemption.".

2. Renumber remaining sections accordingly.

Mesdames Morehead and Higgins asked unanimous consent to print the following amendment to LB 920 in the Journal. No objections. So ordered.

AM2339

1. On page 9, after line 21, insert "I marked the enclosed ballot at the request and direction of the voter and did not so assist more than two voters this election.

....

signature of agent".

2. On page 11, line 13, after the period insert "If an elector is unable to mark his or her ballot, he or she may direct an agent to do so. Such agent shall sign his or her name on the absentee voter identification envelope and shall not assist more than two electors in any one election, unless he or she is an election office employee."; and strike beginning with "No" in line 19 through the period in line 20.

3. On page 18, line 13, strike the first "or"; and in line 16 after "ballot" insert ", or (7) whoever acts as an agent for more than two persons or marks a ballot against the direction of the voter".

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 7, 1984, at 3:00 p.m., were the following bills: 1026, 405, and 746.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 744 in the Journal. No objections. So ordered.

AM2352

1. On page 3, lines 3 and 18 and page 4, line 12 after "28-1116.01" insert "or section 2 of this act".

2. Insert a new section as follows:

"Sec. 2. Any county, city, or village which has authorized, established, or is conducting a lottery which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device on the effective date of this act may conduct such lottery only within the boundaries of such county or the corporate limits of such city or village for a period of two years after the effective date of this act, at which time such lottery shall be terminated.".

3. Add the Emergency Clause.

4. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were Mrs. Judy Conneally from Decatur; 28 eighth grade students and teacher from Tecumseh; 58 fourth grade students and teachers from May Morley School, Lincoln; and Senator Vickers' mother-in-law, Mrs. Zella Messersmith from Farnam, Nancy and Matt Vickers and children, Valerie and Rudy from Arnold, Pat and Mark Vickers from Farnam, and Cindy and Scott Roth from Omaha.

ADJOURNMENT

At 4:15 p.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Thursday, March 8, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 8, 1984

LEGISLATIVE JOURNAL

FORTY-SECOND DAY - MARCH 8, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 8, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by John P. Smeltzer, Associate Minister of First-Plymouth Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson and Chambers who were excused; and Messrs. Abboud, Goodrich, V. Johnson Newell, Rupp, Mesdames Higgins, Morehead, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-First Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 7, 1984, at 4:50 p.m., were the following bills: 705, 644, 653, 673, 683, 690, 697, 729, 730, 749, 750, 752, 773, 811, 818, 853, 862, 897, 899, 969, 995, and 1119.

(Signed) Pam Moravec, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

March 7, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol

Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1026 was received in my office on March 7, 1984.

This bill was signed by me on March 7, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) Donald F. McGinley
Acting Governor

DFM:lk

RESOLUTIONS

LEGISLATIVE RESOLUTION 286. Read. Considered.

LR 286 was adopted with 27 ayes, 0 nays, and 22 present and not voting.

LEGISLATIVE RESOLUTION 287. Read. Considered.

LR 287 was adopted with 25 ayes, 0 nays, and 24 present and not voting.

MOTION - Introduce New Bills

Mr. Barrett moved for the introduction of a new bill by the Business and Labor Committee, REQ 1854.

The motion prevailed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Mr. Barrett moved for the introduction of a new bill by the Business and Labor Committee, REQ 1855.

The motion prevailed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1130. By Business and Labor Committee: Barrett, 39th District, Chairperson; Eret, 32nd District; Goll, 16th District; Labedz, 5th District; McDonald, 31st District; R. Peterson, 21st District; Wesely, 26th District.

A BILL FOR AN ACT relating to disallowed claims against the state.

LEGISLATIVE BILL 1131. By Business and Labor Committee: Barrett, 39th District, Chairperson; Eret, 32nd District; Goll, 16th District; Labedz, 5th District; McDonald, 31st District; R. Peterson, 21st District; Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations for the payment of certain claims against the state; to provide how payments shall be made; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 561. Title read. Considered.

Standing Committee amendment, AM2106, found in the Journal on page 1152 for the Thirty-Fourth Day was considered.

Mr. Clark renewed his pending amendment, AM2323, found in the Journal on page 1396 to the Standing Committee amendment.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Clark amendment was adopted with 21 ayes, 6 nays, 18 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 825A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 825, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis and Schmit asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2283.)

Mr. Landis asked unanimous consent to print the following amendment to LB 695 in the Journal. No objections. So ordered.

AM2337

1. On page 2, line 27, strike "able to", show as stricken, and insert "capable of sustained survival".

2. On page 3, line 1, strike "live more than merely momentarily" and show the old matter as stricken.

Mr. Landis asked unanimous consent to print the following amendment to LB 682 in the Journal. No objections. So ordered.

AM2316

1. On page 4, line 24, after the period insert "If an officer has the power to employ personnel and he or she hires his or her parent, spouse, or child, such officer shall disclose the hiring pursuant to section 2-3216.02, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made.".

2. On page 14, line 17, after the period insert "If an officer has the power to employ personnel and he or she hires his or her parent, spouse, or child, such officer shall disclose the hiring pursuant to section 18-301.02, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made.".

3. On page 20, line 10, after the period insert "If an officer has the power to employ personnel and he or she hires his or her parent, spouse, or child, such officer shall disclose the hiring pursuant to

section 23-181, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made.”.

4. On page 25, line 21, after the period insert “If an officer has the power to employ personnel and he or she hires his or her parent, spouse, or child, such officer shall disclose the hiring pursuant to section 79-4,209, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made.”.

Mr. Wesely asked unanimous consent to print the following amendment to LB 676 in the Journal. No objections. So ordered.

AM2327

1. On page 7, line 13, strike “furneral” and insert “funeral”.

2. On page 10, line 22, after “metropolitan” insert “or primary”.

GENERAL FILE

LEGISLATIVE BILL 341. Title read. Considered.

Standing Committee amendment, AM0546, found in the Journal on page 775 for the Thirty-Eighth Day, First Session, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. H. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers renewed the pending Vickers-Goodrich amendment found in the Journal on page 1233.

The amendment was adopted with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM2199, found in the Journal on page 1241. No objections. So ordered.

Mr. Newell asked unanimous consent to withdraw his pending amendment, AM2139, found in the Journal on page 1217. No objections. So ordered.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb renewed his pending amendment, AM2268, found in the Journal on page 1426.

MR. BEUTLER PRESIDING

The Lamb amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Vickers offered the following amendment:
AM2374

1. Strike the original sections and all amendments thereto except for request AM1926 (Goodrich/Vickers) and AM2268 (Lamb) and insert the following new sections:

"Section 1. The Legislature recognizes the close relationship between the level of state aid to public schools and local property taxes. The Legislature further recognizes that it has a constitutional obligation to provide for free instruction through the public schools of the state. It is the intent in this act to establish a formula for funding equalization aid to school districts, as prescribed in sections 79-1335 to 79-1339, which will recognize the relationship between local property tax levies for school operations and the level of state aid. It is also the intent of this act to increase state support for schools over a period of years so that all sources of state aid, when added to a required minimum local taxing effort, equal the state wide average per pupil cost.

Sec. 2. That section 79-1332, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1332. There is hereby established in the state treasury a special fund to be known as the School Foundation and Equalization Fund. ~~Such fund shall consist of such sums as the Legislature may appropriate, and shall be administered by the State Board of Education.~~ It is the intent of the Legislature that such fund shall consist of, when added to the total of all other sources of state support to public schools, an amount equal to: (1) For fiscal year 1984-85, thirty per cent of the estimated operating costs of public schools;

(2) for fiscal year 1985-86, thirty-three per cent of the estimated operating costs of public schools; (3) for fiscal year 1986-87, thirty-six per cent of the estimated operating costs of public schools; (4) for fiscal year 1987-88, thirty-nine per cent of the estimated operating costs of public schools; (5) for fiscal year 1988-89, forty-two per cent of the estimated operating costs of public schools; and (6) for fiscal year 1989-90, and each subsequent fiscal year, forty-five per cent of the estimated operating costs of the public schools. Any money in the School Foundation and Equalization Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to ~~72-1259~~ 72-1269.

Sec. 3. That section 79-1333.01, Revised Statutes Supplement, 1982, be amended to read as follows:

79-1333.01. When the membership of a district as reported in the preceding school year's fall school district membership report increases one half of one per cent or more above the membership of the year prior to the preceding year on the corresponding date, as reported on the fall school district membership report for the year prior to the preceding year, the total financial support pursuant to section 79-1336 shall be increased by the percentage of increase up to a maximum of one hundred per cent of the student membership over the previous year. When the membership of a district as reported in the preceding school year's fall school district membership report is less than the fall school district membership report of the year prior to the preceding school year by more than two per cent, the total financial support pursuant to section 79-1336 shall be increased by the difference between two per cent and the per cent of decrease up to a maximum of one hundred per cent of the student membership of the preceding year over the year prior to the preceding year. After fiscal year 1985-86, the total financial support provided by section 79-1336 shall not be increased for any one year by more than five per cent.

Sec. 4. That section 79-1335, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1335. (1) To be eligible for aid, except for foundation aid under the provisions of section

79-1334~~,~~ and incentive payments under section 79-1340, from the School Foundation and Equalization Fund each district shall have levied, in the manner prescribed by law, a tax on the valuation of all taxable property within the district for the preceding year, except intangible property, as follows: ~~(1)~~ (a) For Class I districts, ~~not less than eight mills and commencing January 1, 1981,~~ not less than twenty-eight cents; ~~(2)~~ (b) for Class II, III, IV, and V districts, ~~not less than twelve mills and commencing January 1, 1981,~~ not less than forty-two cents; and ~~(3)~~ (c) for Class VI districts, ~~not less than eight mills and commencing January 1, 1981,~~ not less than twenty-eight cents.

(2) Commencing fiscal year 1985-86 the minimum qualifying levy for Class I and Class VI school districts shall be thirty-three cents per hundred dollars of actual valuation for school operations and for Class II, III, IV, and V school districts, such levy shall be fifty cents per hundred dollars of actual valuation for school operations. Commencing fiscal year 1986-87, the minimum qualifying levy for Class I and Class VI school districts shall be thirty-nine cents per hundred dollars of actual valuation for school operations and for Class II, III, IV, and V school districts, such levy shall be sixty cents per hundred dollars of actual valuation for school operations. Commencing fiscal year 1987-88, the minimum qualifying levy for Class I districts and Class VI districts shall be forty-six cents per hundred dollars of actual valuation for school operations and for Class II, III, IV, and V school districts, such levy shall be seventy-two cents per hundred dollars of actual valuation for school operations. Commencing in fiscal year 1988-89, the minimum qualifying levy for Class I and Class VI school districts shall be fifty-five cents per hundred dollars of actual valuation for school operations. Commencing in fiscal year 1989-90, and each subsequent fiscal year, the minimum qualifying levy for Class I and Class VI districts shall be sixty-six cents per hundred dollars of actual valuation for school operations and for Class II, III, IV, and V school districts shall be one dollar and three cents per hundred dollars of actual valuation for school operations.

(3)(a) Commencing in fiscal year 1984-85, the maximum levy which any school district may levy for school operations shall be no more than two dollars per hundred dollars of actual valuation.

(b) Commencing in fiscal year 1985-86, the maximum levy specified in subdivision (a) of this subsection shall be increased or decreased by multiplying such levy by the percentage derived by dividing the immediately preceding year's percentage of state support for public schools by the current year's percentage of state support for public schools as prescribed in section 2 of this act. The maximum levy for each subsequent fiscal year shall be computed in the same manner using the immediately preceding year's maximum levy as a basis for the application for the adjustment prescribed in this subdivision.

(c) School districts may annually exceed such maximum levy if a public hearing is held pursuant to the procedural requirements of Chapter 23, article 9, and following such hearing, two-thirds of the school board or board of education of such school district vote to exceed the maximum levy.

Sec. 5. In fiscal year 1984-85 an additional fifty million dollars shall be added to the School Foundation and Equalization Fund. The additional funds shall be allocated as follows:

(1) Fifteen million dollars to be paid to school districts according to the provisions of section 79-1334; and

(2) Thirty-five million dollars to be paid to school districts according to the provisions of sections 79-1335 to 79-1339.

Sec. 6. That original sections 79-1332 and 79-1335, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1982, are repealed.".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Vickers amendment was adopted with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 3 nays, 16 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 801. Placed on Select File as amended.
E & R amendments to LB 801:
AM5346

1. In the Standing Committee Amendments, AM1874:

a. On page 1, line 21, strike the comma;

b. On page 3, line 3, strike "shall solicit" and insert "solicits";

c. On page 4, lines 1 and 2, strike the comma;

d. On page 5, lines 7, 14, and 15, strike all of the commas;

e. On page 6, lines 21 and 23, strike the comma;

f. On page 7, lines 2, 5, 7, 16, and 23, strike the comma;

g. On page 8, line 16, strike the comma; and in line 17 strike the period and insert an underscored semicolon;

h. On page 9, line 26, strike the comma;

i. On page 10, line 2, strike the comma;

j. On page 12, line 13, strike the comma; in line 22 after the second comma insert "and"; in line 23 strike the comma, and strike "of" and insert "have a"; in line 24 strike "Every individual" and insert "An"; and in line 25 strike "have attained" and insert "be at least";

k. On page 13, line 2, strike the comma and after "upon" insert "receipt of an"; and in line 20 after "license" insert an underscored comma;

l. On page 14, lines 20 and 21, strike the comma;

m. On page 15, lines 11 and 12, strike the comma; and in line 14 strike ", in which case" and insert "and"; in line 25 strike "shall impersonate" and insert "impersonates"; and in line 26 strike "permit" and insert "permits";

n. On page 16, lines 21 and 24, strike the comma; and in line 24 after "or" insert "has";

o. On page 18, line 1, strike the commas; and in line 7 strike the first comma;

p. On page 19, lines 6 and 9, strike the comma; and in line 9 after "or" insert "has";

q. On page 20, line 12, after "probation" insert an underscored comma;

r. On page 22, line 1, strike the comma;

s. On page 26, line 22, strike "must" and insert "shall";

t. On page 28, line 4, strike beginning with "the" through "act" and insert "such date"; in line 11 strike "includes", show as stricken, and insert "include";

u. On page 29, line 7, strike the comma and show as stricken;

v. On page 30, line 8, after "copartnership" insert an underscored comma;

w. On page 31, line 14, strike the comma and show as stricken; and

x. On page 33, lines 21 and 22, strike the comma and show as stricken.

2. On page 1, strike beginning with "44-333" in line 1 through "sections" in line 7 and insert "44-103 and 44-140, Reissue Revised Statutes of Nebraska, 1943, and section 44-114, Revised Statutes Supplement, 1982; to adopt the Insurance Producers Licensing Act; to redefine terms; to harmonize provisions; to eliminate certain licensing provisions and penalties; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 44-327 to 44-335, 44-339 to 44-340, 44-342 to 44-342.02, 44-342.04 to 44-344, and 44-345 to 44-347, Reissue Revised Statutes of Nebraska, 1943, section 44-344.01, Revised Statutes Supplement, 1982, and sections 44-341 and 44-342.03, Revised Statutes Supplement, 1983.".

LEGISLATIVE BILL 801A. Placed on Select File as amended.
E & R amendment to LB 801A:
AM5347

1. On page 2, line 8, strike the second comma and insert a period.

LEGISLATIVE BILL 900. Placed on Select File as amended.
E & R amendments to LB 900:
AM5348

1. On page 1, line 4, strike "and"; and in line 5 after "section" insert "; and to declare an

emergency”.

2. On page 2, line 6, strike the comma.

3. In the Standing Committee amendments, AM1884, adopted March 2, 1984, on page 1, line 2, strike “2” and insert “3”.

LEGISLATIVE BILL 783. Placed on Select File as amended.
E & R amendments to LB 783:
AM5349

1. On page 1, line 6, after the semicolon insert “to authorize a tax levy; to change provisions relating to the powers and duties of certain health directors;”.

2. On page 3, line 17, after the reinstated “hazards” insert an underscored comma.

LEGISLATIVE BILL 764. Placed on Select File as amended.
E & R amendment to LB 764:
AM5350

1. On page 1, strike beginning with “the” in line 2 through “athletes” in line 3 and insert “certain actions with respect to athletic grants-in-aid”.

LEGISLATIVE BILL 981. Placed on Select File as amended.
E & R amendments to LB 981:
AM5343

1. On page 1, line 10, after “provide” insert “powers and”.

2. On page 4, line 8, after “programs” insert an underscored comma; and in line 16 after “staff” insert an underscored comma.

3. On page 5, line 20, after “The” insert “Nebraska”.

4. On page 6, lines 2, 3, and 12, strike the commas; and in line 9 after the second “the” insert “Nebraska”.

5. On page 11, line 6, strike the second comma and show as stricken; and in lines 9 and 25 strike the first comma and show as stricken.

6. On page 12, lines 6, 26, and 27, strike the comma and show as stricken.

7. On page 15, line 22, strike both commas and show as stricken.

LEGISLATIVE BILL 981A. Placed on Select File.

LEGISLATIVE BILL 676. Placed on Select File as amended.
E & R amendments to LB 676:
AM5344

Because of line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. In the Standing Committee amendments, AM1888, adopted March 2, 1984, on page 1, line 3, strike "An" and insert "(6)"; in line 4 after "and" insert "after line 27", after "insert" insert a colon and paragraphing, and after the quotation marks insert "(6)"; and in line 11 after "the" insert "method and details of".

2. On page 1, line 8, after "modify" insert "powers and".

3. On page 5, line 26, strike the second comma and show as stricken.

4. On page 6, line 6, strike the first comma and show as stricken.

5. On page 7, line 13, strike "furneral" and insert "funeral".

6. On page 8, line 20, after "director" insert an underscored comma.

7. On page 10, line 5, after "physician" insert an underscored comma.

8. On page 11, lines 20, 22, 23, and 27, strike the comma and show as stricken; in line 25 strike "make" and show as stricken; and in line 27 after "of" insert "(a)".

9. On page 12, lines 1, 2, 7, and 20, strike the comma and show as stricken; in line 7 strike "upon request of", show as stricken, and insert "(b)"; in line 10 strike "make" and show as stricken; and in line 14 strike "survivors", show as stricken, and insert "survivors'".

10. On page 15, line 15; page 16, line 6; and page 17, lines 19 and 20, strike the comma.

11. On page 17, line 11, after "and" insert "by".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 341. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 906A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 906, Eighty-eighth Legislature, Second Session, 1984.

LEGISLATIVE BILL 1093A. By Newell, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1093, Eighty-eighth Legislature, Second Session, 1984.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

James Carmona - Adjutant General
Lovie D. Broadus - State Personnel Board

Voting Aye: Senators Beutler, Goll, Higgins, Landis, and Scofield. Excused and not voting: Senators Chambers, R. Johnson, and Vickers.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 112 in the Journal. No objections. So ordered.

AM0395

1. Strike the original sections and insert the following new sections:

“Section 1. It is the intent of the Legislature that a statewide program be established to provide high risk pregnant women with specialized obstetrical care. The program should provide geographically localized support and services not otherwise available in these areas of the state for prenatal care. The purpose of the program shall be to provide that favorable medical and obstetrical conditions exist for the safe and healthy birth of all children in this state.

Sec. 2. The program established by sections 1 to 4 of this act shall be administered by the Department of Health and the funds provided for the program shall be in addition to the funds appropriated to the Maternal and Child Health Fund pursuant to sections 71-2201 to 71-2208. The department shall adopt and promulgate rules and regulations to administer sections 1 to 8 of this act.

Sec. 3. (1) There is hereby established a program to be administered by the Department of Health to be known as the high risk pregnancy support program. A pregnant woman shall be eligible for participation in the program if:

(a) She is a resident of the state or is living in the state voluntarily with the intent of making Nebraska her home;

(b) Her physician has requested specialized medical care or advice based upon her high risk condition; and

(c) Her attending physician provides proof that he or she has consulted with another physician who specializes in treating high risk pregnancies and who concurs that she is experiencing a high risk pregnancy.

(2) For purposes of this section, a high risk pregnancy or condition shall mean:

(a) Premature labor or delivery at less than thirty-seven weeks of pregnancy;

(b) Vaginal bleeding after the twentieth week of pregnancy;

(c) Premature rupture of membranes at less than thirty-seven weeks of pregnancy;

(d) Toxemia or pregnancy-induced hypertension prior to thirty-seven weeks of pregnancy;

(e) Multiple fetuses diagnosed prior to the thirty-seventh week of pregnancy;

(f) Diabetes, except for extremely mild cases; or

(g) Pregnancy diagnosed by a physician as beginning prior to the pregnant woman reaching eighteen years of age.

(3) The high risk pregnancy support program

shall provide funding for special medical treatment for high risk pregnant women in the state. Upon application to the Department of Health, the department shall determine whether a pregnant woman is eligible for the high risk pregnancy support program. Application may be made by the pregnant woman, by the attending physician, or by the consulting specialist. In addition to the eligibility requirements specified in subsection (1) of this section, the department shall establish a uniform standard of financial eligibility for the services under the high risk pregnancy support program for women who do not have sufficient insurance, medical assistance, or other financial means to pay for such special medical treatment. Such formula for payment shall provide for reimbursement at rates similar to those set by other federal and state programs and private entitlements, but shall not exceed one hundred per cent of the rates paid on the effective date of this act for similar services by the major health insurance company contracted by the State of Nebraska. All payments to providers shall be used in support of the program for services established under sections 1 to 4 of this act. The payments shall be made by the department to the providers of medical services as prescribed by the consultants for these high risk pregnancies. Payments shall also be made for any fees or costs relating to high risk pregnancies for diagnostic or preventive services and supplies, including lab tests and procedures, amniocentesis, oxytocin-challenge tests, and serum trials, prescribed drugs, transportation to special medical facilities, and other special physician fees, including anesthesiologist fees. The department may provide for reimbursement of other necessary fees and medical costs specifically related to the high risk pregnancies.

Sec. 4. There is hereby created a High Risk Pregnancy Support Fund to be administered by the Department of Health. Any money in the High Risk Pregnancy Support Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. There is hereby appropriated one hundred thousand dollars for fiscal year 1983-84 from the General Fund for the High Risk Pregnancy Support Fund. The fund shall be used to pay providers for their services and for other costs as provided in section 3 of this act.

Sec. 5. There is hereby established the High Risk Pregnancy Advisory Committee to consist of not more than fourteen members appointed by the Director of Health. The members shall be selected so as to ensure statewide geographic representation and shall consist of obstetricians, neonatologists, and family practitioners. The appointments provided for in this section shall be made within fifteen days after the effective date of this act.

Sec. 6. It shall be the duty of the advisory committee created in section 5 of this act to:

(1) Annually report to the Public Health and Welfare Committee of the Legislature its findings and recommendations;

(2) Delineate complications of the high risk pregnancy conditions set forth in subsection (2) of section 3 of this act;

(3) Monitor the reimbursement process established in subsection (3) of section 3 of this act;

(4) Develop and maintain a list of physicians in this state who specialize in treating high risk pregnancies;

(5) Develop and maintain a list of medical facilities which offer specialized treatment of high risk pregnancies;

(6) Approve medical protocol for treating the conditions set forth in subsection (2) of section 3 of this act; and

(7) Annually report to the Department of Health its findings and recommendations.

Sec. 7. It shall be the purpose of the advisory committee created in section 5 of this act to:

(1) Recommend to the Public Health and Welfare Committee of the Legislature any recommendations or changes to the high risk pregnancy support program established in sections 1 to 4 of this act; and

(2) Offer recommendations and advise the Department of Health regarding the operation of the high risk pregnancy support program established in sections 1 to 4 of this act.

Sec. 8. The appointed members of the advisory committee shall be reimbursed for their actual and necessary expenses as provided in sections 84-306.01 to 84-306.05 for state employees for no more than eight meetings in fiscal year 1983-84 and for no more than six meetings per year thereafter.

Sec. 9. (1) The Department of Health shall develop a curriculum and establish and administer a program providing parental education materials to facilities throughout this state. The facilities provided with such materials shall include, but not be limited to, public and private hospitals and postsecondary educational institutions. Such materials shall emphasize child development and shall include information on maternal, infant, and child nutrition, child abuse, and the physical, emotional, social, and intellectual growth of infants and children.

(2) There is hereby appropriated ten thousand dollars for fiscal year 1983-84 from the General Fund to the Department of Health for the development of curriculum and the administration of the educational materials program established pursuant to subsection (1) of this section.

Sec. 10. There is hereby created a fund to be administered by the Department of Health which shall consist of money appropriated to it by the Legislature to be known as the Women and Infant Care Fund. The money in this fund shall be used to pay the costs of the federal nutritional program known as the Special Supplemental Food Program for Women, Infants, and Children in this state, at such time that federal funds for this purpose are insufficient, as determined by the Department of Health. The Women and Infant Care Fund shall be used only for the costs incurred by the Department of Health for such federal program.

There is hereby appropriated ten thousand dollars from the General Fund to the Women and Infant Care Fund created in this section for fiscal year 1983-84.

Sec. 11. (1) The Department of Health shall refer any pregnant woman who applies for or is participating in the Nebraska Birth Defects Prevention Program, the Nebraska Statewide Family Planning Program, or the Special Supplemental Food Progrm for Women, Infants, and Children to the high risk pregnancy support program administered by the department. Any pregnant woman applying for or participating in the high risk pregnancy support program of the Department of Health shall be referred to such genetic counseling or family planning services or nutritional programs of the department.

(2) The Department of Public Welfare shall refer any person applying for or receiving public assistance who may be eligible for the programs specified in subsection (1) of this section to the Department of Health. The Department of Health shall refer any person applying for or participating in any program specified in subsection (1) of this section who may be eligible for public assistance to the Department of Public Welfare."

Mrs. Morehead asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

AM2367
(Amendments to Standing Committee amendments)

1. On page 4, line 5, after "71-135.03" insert "and shall determine an appropriate means to further identify those persons who are certified in the diagnostic or therapeutic use of such agents".

GENERAL FILE

LEGISLATIVE BILL 341A. Title read. Considered.

Mr. Vickers renewed his pending amendment found in the Journal on page 1274.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

The Vickers amendment was adopted with 25 ayes, 5 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

VISITORS

Visitors to the Chamber were Chet and Helen Marshall from Kearney; and two groups of fourth grade students and teachers from Crete.

RECESS

At 12:01 p.m., on a motion by Speaker Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Chambers who was excused; and Messrs. Abboud, Goodrich, L. Johnson, Kahle, Newell, H. Peterson, Wagner, Warner, Withem, Miss Kilgarin, Mesdames Marsh, Morehead, and Pirsch who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 286 and LR 287.

GENERAL FILE

LEGISLATIVE BILL 744. Considered.

Mr. Chambers asked unanimous consent to withdraw his pending amendments found in the Journal on page 1176 and AM2153 found in the Journal on page 1171. No objections. So ordered.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM2292, found in the Journal on page 1331. No objections. So ordered.

Mr. Hannibal offered the following amendment to his pending amendment, AM2160, printed separate from the Journal and referred to on page 1368:

Amend AM 2160 as follows;

1. On page 39, line 5 strike "licensed" and show as stricken; in line 6, strike the period and after "establishment" insert "licensed pursuant to section 53-124 (5)(C), 53-124 (5) (D), 53-124 (5)(E), 53-124 (5)(I) or 53-124 (9). No more than six electronic video lottery devices shall be permitted in any one establishment."

2. On p. 14, line 23, after the underscored comma strike "and", show as stricken and insert "the limitations on location and number of machines per location set out in section 28-1116.01, and"

The Hannibal amendment was adopted with 21 ayes, 0 nays, 16 present and not voting, and 12 excused and not voting.

Mr. Sieck moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hannibal moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Pending.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 941. Placed on General File as amended.
Standing Committee amendment to LB 941:
AM2247

1. On page 2, line 6, strike “thirty” and insert “eighteen”.

LEGISLATIVE BILL 1073. Indefinitely postponed.

(Signed) Calvin Carsten, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 962 in the Journal. No objections. So ordered.

AM2365

1. Insert new sections as follows:

“Sec. 4. That section 3-148, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-148. There is hereby imposed a tax of seven ~~five~~ cents per gallon upon fuels purchased for and used in aircraft within the State of Nebraska, the same to be levied and collected and refunds made in the manner provided in Chapter 66, article 4, and subsequent amendments and additions thereto, in reference to other motor fuels, save and except that the State Treasurer shall place the aircraft tax so collected and remitted to him or her in a special fund to be known as the Aircraft Fuel Tax Fund, which shall be distributed as follows: (1) The State Treasurer shall first make all refunds as provided in section 3-150.01, and in sections 3-150 and 3-151, and all refunds as specifically provided in section 66-413, and credit to the General

Fund one per cent of the Aircraft Fuel Tax Fund collected; and (2) the balance of the aircraft tax shall be placed by the State Treasurer in the Department of Aeronautics Cash Fund.

Sec. 5. That section 3-149, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-149. The dealers defined in Chapter 66, article 4, and subsequent amendments and additions thereto, shall collect the tax of seven ~~five~~ cents and keep an account thereof, separately from other fuel tax, and remit the same accordingly to the Tax Commissioner, which department shall deposit same with the State Treasurer, in the same manner as is provided by law for the collection and remittance of motor vehicle fuels. No other or different tax shall be imposed for fuel bought for and used in aircraft, excepting the seven ~~five~~ cents per gallon tax as herein set forth, which shall be used for the purposes set forth in sections 3-101 to 3-154. The penalty for violation of the terms hereof, in reference to the collection and remittance of the tax, shall be the same as set forth for the violation of the law with reference to the motor fuel tax contained in Chapter 66, article 4, and subsequent amendments and additions thereto, and the right of enforcement and the penalties shall be likewise applicable as set forth therein.”.

2. On page 99, line 11, strike “40” and insert “39”; and in line 19 after “sections” insert “3-148, 3-149,”.

3. In the Standing Committee amendments on page 2 strike beginning with “line” in line 1 through “in” in line 2.

4. In the Carsten amendment, AM2269, on page 2 strike beginning with “line” in line 5 through the first “in” in line 7.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1130 and 1131; and the reference of Gubernatorial Appointment, Report No. 10, dated March 5, 1984.

LB	**Committee**
1130	Business and Labor
1131	Business and Labor

Judiciary

Frank O. Gunter-Director, Department of Correctional Services

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARINGS

Business and Labor

LB 1130	Thursday, March 15, 1984	12:15 p.m.
LB 1131	Thursday, March 15, 1984	12:15 p.m.
State Labor Contracts	Wed., March 28, 1984	12:15 p.m.

(Signed) Bill Barrett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 744. The Hannibal amendment, AM2160, printed separate from the Journal and considered in this day's Journal was renewed.

Mr. Hannibal requested a record vote on his amendment.

Voting in the affirmative, 21:

Carsten Clark DeCamp Goodrich Haberman
Hannibal Higgins Jacobson Johnson, V. Kilgarin
Labedz McDonald Morehead Newell Pappas
Rupp Schmit Von Minden Wagner Wesely
Withem

Voting in the negative, 25:

Abboud Barrett Beutler Beyer Chronister
Eret Fenger Goll Hefner Hoagland
Johnson, L. Johnson, R. Kahle Lamb Landis
Lundy Marsh Peterson, H. Peterson, R. Pirsch
Remmers Scofield Sieck Vickers Warner

Present and not voting, 2:

Harris Nichol

Excused and not voting, 1:

Chambers

The Hannibal amendment, as amended, lost with 21 ayes, 25 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. V. Johnson renewed his pending amendment, AM2352, found in the Journal on page 1429.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays, and 12 not voting.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Beutler
Carsten
Clark
DeCamp
Goodrich
Haberman
Hannibal
Higgins
Jacobson
Johnson, V.
Kilgarin
Labedz
McDonald
Newell
Nichol
Pappas
Rupp
Schmit
Scofield
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 23:

Abboud
Barrett
Beyer
Chronister
Eret
Fenger
Goll
Harris
Hefner
Hoagland
Johnson, L.
Johnson, R.
Kahle
Lamb
Landis
Lundy
Marsh
Morehead
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck

Present and not voting, 1:

Vickers

Excused and not voting, 1:

Chambers

The V. Johnson amendment lost with 24 ayes, 23 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Landis moved to suspend the rules and vote without further debate on 744.

Mr. Sieck moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp requested a roll call vote on the Landis motion.

Voting in the affirmative, 26:

Abboud
Barrett
Beyer
Carsten
Chronister
Eret
Fenger
Goll
Harris
Hefner
Hoagland
Johnson, L.
Johnson, R.
Kahle
Lamb
Landis
Lundy
Marsh
Peterson, H.
Peterson, R.
Pirsch
Remmers
Scofield
Sieck
Vickers
Von Minden

Voting in the negative, 21:

Beutler
Clark
DeCamp
Goodrich
Haberman
Higgins
Jacobson
Johnson, V.
Kilgarin
Labedz
McDonald
Morehead
Newell
Nichol
Pappas
Rupp
Schmit
Wagner
Warner
Wesely
Withem

Present and not voting, 1:

Hannibal

Excused and not voting, 1:

Chambers

The Landis motion lost with 26 ayes, 21 nays, 1 present and not voting, and 1 excused and not voting.

Mr. Newell offered the following amendment:

1. On page 3, lines 3 and 18 and page 4, line 12 after “28-1116.01” insert “or section 2 of this act”.

2. Insert a new section as follows:

“Sec. 2. Any county, city, or village which has authorized, established, or is conducting a lottery which uses any mechanical gaming device, computer gaming

7 device, electronic gaming device, or video gaming device
8 on the effective date of this act may conduct such
9 lottery only within the boundaries of such county or the
10 corporate limits of such city or village for a period of
11 one year after the effective date of this act, at which
12 time such lottery shall be terminated.”.
13 3. Add the Emergency Clause.
14 4. Renumber remaining sections accordingly.

Mr. Vickers offered the following amendment to the Newell amendment:

Strike the language after the word “village” in line 10 thru the comma in line 11, and insert “until January 1, 1985.”

Mr. Clark moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Vickers asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Carsten offered the following amendment to the Newell amendment:

Strike the language after the word “village” in line 10 through the comma in line 11, and insert “until October 1, 1984,”

Mr. Hoagland moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. DeCamp requested a roll call vote on the Carsten amendment.

Voting in the affirmative, 25:

Abboud	Barrett	Beyer	Carsten	Chronister
Eret	Fenger	Goll	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Kahle	Lamb
Landis	Lundy	Marsh	Peterson, H.	Peterson, R.
Pirsch	Remmers	Sieck	Vickers	Von Minden

Voting in the negative, 18:

Beutler	DeCamp	Goodrich	Haberman	Hannibal
Higgins	Johnson, V.	Kilgarin	Labedz	Morehead
Newell	Nichol	Pappas	Rupp	Schmit
Warner	Wesely	Withem		

Present and not voting, 5:

Clark Harris McDonald Scofield Wagner

Excused and not voting, 1:

Chambers

The Carsten amendment was adopted with 25 ayes, 18 nays, 5 present and not voting, and 1 excused and not voting.

Mr. DeCamp offered the following amendment to the Carsten amendment:
Strike "Oct 1, 1984" insert "Jan 1, 1985"

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Beutler Clark DeCamp Goodrich Haberman
Hannibal Higgins Jacobson Johnson, V. Kilgarin
Labedz McDonald Morehead Newell Nichol
Pappas Rupp Schmit Scofield Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 21:

Abboud Barrett Beyer Carsten Chronister
Eret Fenger Hefner Hoagland Johnson, L.
Johnson, R. Kahle Lamb Landis Lundy
Marsh Peterson, H. Peterson, R. Pirsch Remmers
Sieck

Present and not voting, 2:

Goll Harris

Excused and not voting, 1:

Chambers

The DeCamp amendment was adopted with 25 ayes, 21 nays, 2 present

and not voting, and 1 excused and not voting.

The Newell amendment, as amended, was adopted with 25 ayes, 15 nays, 8 present and not voting, and 1 excused and not voting.

Miss Kilgarin offered the following amendment:
Page 4, line 6, strike beginning with “except” through “wagering” in line 7.

The Kilgarin amendment lost with 14 ayes, 25 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 44 ayes, 3 nays, 1 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 962 in the Journal. No objections. So ordered.

AM2360

1. Insert the following new section:

“Sec. 13. That section 77-2715.04, Revised Statutes Supplement, 1983, be amended to read as follows:

77-2715.04. (1) In addition to the sales tax imposed pursuant to section 77-2715.01, the State Board of Equalization and Assessment shall at its next meeting impose an additional one half of one per cent sales and use tax to commence on the first day of the first month following such meeting that is at least twenty days after such meeting and continuing until terminated pursuant to subsection ~~(4)~~ (5) of this section. All proceeds from this additional tax shall be paid to the Cash Reserve Fund.

(2) Any money in the Cash Reserve Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269 and any interest earned shall accrue to the ~~Cash Reserve~~ General Fund.

(3) Any interest earned from investment of money in the Cash Reserve Fund from September 1, 1983, to June 30, 1984, shall be transferred to the General Fund on or before July 31, 1984.

~~(3)~~ (4) The tax imposed under this section shall not be considered a rate increase for purposes of subsection (7) of section 77-2704.

~~(4)~~ (5) Collection of the additional sales and use tax imposed by this section shall terminate on the earlier of the following dates: (a) The last day of the ninth month following the month in which the tax is first imposed, or (b) the last day of the month following the month in which deposits in the Cash Reserve Fund equal thirty million dollars. The State Treasurer shall notify the Tax Commissioner within three business days when deposits in the Cash Reserve Fund equal or exceed thirty million dollars. The Tax Commissioner shall cause proper notice to be given that the tax rate will change.”.

2. On page 99, line 26, before “77-2715.06” insert “77-2715.04,”.

3. Renumber remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 692 in the Journal. No objections. So ordered.

AM2382
(Amendments to the Standing Committee amendments)

1. On page 7, line 6, strike “The” and insert “Subject to the requirements in subsection (4) of this section, the”.

2. On page 14, line 18, after “surcharge” insert “or at any time during the preceding twelve months”.

3. Insert new sections as follows:

“Section 1. That section 23-2416, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2416. (1) Every claim against a political subdivision permitted under this act shall be forever barred, unless within one year after such claim accrued, the claim is made in writing to the governing body. Except as otherwise provided in this section, all suits permitted by this act shall be forever barred unless begun within two years after such claim accrued. The time to begin a suit under this act shall be extended for a period of six months from the date of mailing of notice to the claimant by the governing body as to the final disposition of the claim or from the date of withdrawal of the claim from the governing body under section 23-2405, if the time to begin suit would otherwise expire before the end of such period.

(2) If a claim is made or filed under any other law of this state and a determination is made by a political subdivision or court that this act provides the exclusive remedy for the claim, the time to make a claim and to begin suit under this act shall be extended for a period of six months from the date of the court order making such determination or the date of mailing of notice to the claimant of such determination by the political subdivision, if the time to make the claim and to begin suit under this act would otherwise expire before the end of such period. The time to begin suit under this act may be further extended as provided in subsection (1) of this section.

(3) If a claim is made or a suit is begun under this act, and if a determination is made by the political subdivision or by the court that the claim or suit is not permitted under this act for any other reason than lapse of time, the time to make a claim or to begin a suit under any other applicable law of this state shall be extended for a period of six months from the date of the court order making such determination or the date of mailing of notice to the claimant of such determination by the political subdivision, if the time to make the claim or begin the suit under such other law would otherwise expire before the end of such period.

(4) If a claim is brought under the Hospital-Medical Liability Act, the filing of a request for review under section 44-2840 shall extend the time to begin suit under the Political Subdivisions Tort Claims Act an additional ninety days following the issuance of the opinion by the medical review panel.

(5) ~~(4)~~ This section and section 25-213 shall be the only statutes of limitations applicable to tort claims as defined in this act.

Sec. 20. That section 81-8,227, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,227. (1) Every tort claim permitted under this act shall be forever barred unless within two years after such claim accrued the claim is made in writing to the State Claims Board in the manner provided by this act. The time to begin suit under this act shall be extended for a period of six months from the date of mailing of notice to the claimant by the board as to the final disposition of the claim, or from the date of withdrawal of the claim from the board under section 81-8,213, if the time to begin suit would otherwise expire before the end of such period.

(2) If a claim is made or filed under any other law of this state and a determination is made by a state agency or court that this act provides the exclusive remedy for the claim, the time to make a claim and begin suit under this act shall be extended for a period of six months from the date of the court order making such determination or the date of mailing of notice to the claimant of such determination by a state agency, if the time to make the claim and to begin suit under this act would otherwise expire before the end of such period. The time to begin a suit under this act may be further extended as provided in subsection (1) of this section.

(3) If a claim is brought under the Hospital-Medical Liability Act, the filing of a request for review under section 44-2840 shall extend the time to begin suit under the State Tort Claims Act an additional ninety days following the issuance of the opinion by the medical review panel.

(4) ~~(3)~~ This section and section 25-213 shall constitute the only statutes of limitations applicable to this act.".

4. On page 24, line 6, after "sections" insert "23-2416,"; in line 8 strike "and"; in line 9 after the first comma insert "and 81-8,227,"; and in line 12 strike "17" and insert "18".

5. Renumber remaining sections accordingly.

Mrs. Morehead asked unanimous consent to print the following amendment to LB 922 in the Journal. No objections. So ordered.

AM2368

1. Strike original section 5 and insert a new section as follows:

"Sec 5. The technical community college system shall be governed by a board to be known as the Board of Governors of the Technical Community College System. Such board shall consist of thirteen members. To insure geographical representation, one member from each of the technical community college areas shall be elected by the voters in the area, one member from each of the technical community college areas shall be appointed by the Governor with the advice and consent of the Legislature, and the Commissioner of Education shall be an ex officio member, who shall be allowed to vote only to break a tie.

Board members shall be elected or appointed for four-year terms, except that of the members of the initial board, the elected representatives from the Western Technical Community College Area, the Northeast Technical Community College Area, and the Southeast Community College Area, and the appointed representatives from the Central Technical Community College Area, the Metropolitan Technical Community College Area, and the Mid-Plains Technical Community College Area shall serve two-year terms.

Board members shall not receive a salary but shall be reimbursed for their actual and necessary expenses as provided in sections 84-306.01 to 84-306.05 for state employees.

Any vacancy occurring on the board shall be filled by appointment by the Governor for the balance of the unexpired term.".

Mrs. Morehead asked unanimous consent to print the following amendment to LB 949 in the Journal. No objections. So ordered.

AM2376
(Amendments to Standing Committee Amendments)

1. On page 1, line 13, before the period insert "; and in line 27, after 'purpose' insert '. A society defined in section 21-608, which is chartered in Nebraska under a state, grand, supreme, national, or other governing body, may use the charter date of its parent organization to satisfy such five-year requirement' ".

Messrs. Goodrich and Wesely asked unanimous consent to print the following amendment to LB 1076 in the Journal. No objections. So ordered.

AM2381

1. Reinstate section 1.

2. On page 2, line 12, strike the underscored period; reinstate the stricken matter beginning with "in" in line 12 through "except" in line 13; after the reinstated "except" in line 13 insert "for a premium card as determined by the Director of Banking and Finance which has at least a one thousand five hundred

dollar credit limit and provides an additional service,"; and reinstate the stricken matter beginning with "any" in line 15 through the period in line 17.

3. Strike E & R amendments 2.a., 2.b., and 2.g.

Mr. Withem asked unanimous consent to print the following amendment to LB 936 in the Journal. No objections. So ordered.

On page 3, line 23, insert following "approved." Persons performing technical services for applicants shall be free of financial intersts in the awarding of contracts for implementation of the project(s) identified in the technical analysis."

Mr. Beutler asked unanimous consent to print the following amendment to LB 845 in the Journal. No objections. So ordered.

AM2313
(Amendments to the Standing Committee Amendments)

1. Insert the following new sections:

"Sec. 24. That section 43-285, Revised Statutes Supplement, 1982, be amended to read as follows:

43-285. In any case when the court shall award a juvenile to the care of the Department of Social Services, an association, or individual, in accordance with the provisions of sections 43-245 to 43-2,129, the juvenile shall, unless otherwise ordered, become a ward and be subject to the guardianship of the department, association, or individual to whose care he or she is committed, which association and Department of Social Services shall have authority by and with the assent of the court to place such a juvenile in a suitable family home or institution. Such guardianship shall not include the guardianship of any estate of the juvenile. Within thirty days after such order, and once every six months thereafter until the juvenile reaches the age of majority, the department, association, or individual shall file with the court a report stating the location of the juvenile's placement and the needs of the juvenile in order to effectuate the purposes of subdivision (1) of section 43-246. When the court shall award a juvenile to the care of the department, an association, or individual, then the department, association, or individual shall have standing as a party to file any pleading or motion, to be heard by the court with regard to such filings, and to be granted any review or relief requested in such filings consistent with Chapter 43, article 2.

Sec. 25. That section 43-294, Revised Statutes Supplement, 1982, be amended to read as follows:

43-294. The custodian appointed by a juvenile court shall have charge of the person of the juvenile and the right to make decisions affecting the person of the juvenile, including medical, dental, surgical, or psychiatric treatment, except that consent to a juvenile marrying or joining the armed forces of the United States may be given by a custodian, other than the Department of Social Services, with approval of the juvenile court, or by the department, as to juveniles in its custody, without further court authority. The authority of a custodian appointed by a juvenile court shall terminate when the individual under legal custody reaches nineteen years of age, is legally adopted, or the authority is terminated by order of the juvenile court. When an adoption has been granted by a court of competent jurisdiction as to any such juvenile, such fact shall be reported immediately by such custodian to the juvenile court. If the adoption is denied the jurisdiction over the juvenile shall immediately revert to the court which authorized placement of the juvenile for adoption. Any association or individual receiving the care or custody of any such juvenile shall be subject to visitation or inspection by the Department of Social Services, or any probation officer of such court or any person appointed by the court for such purpose, and the court may at any time require from such association or person a report or reports containing such information or statements as the judge shall deem proper or necessary to be fully advised as to the care, maintenance, and moral and physical training of the juvenile, as well as the standing and ability of such association or individual to care for such juvenile. The custodian so appointed by the court shall have standing as a party in that case to file any pleading or motion, to be heard by the court with regard to such filings, and to be granted any review or relief requested in such filings consistent with Chapter 43, article 2.".

2. On page 8, line 10, after the semicolon

insert “strike beginning with ‘The’ in line 14 through the period in line 15;”; and in line 25 before the semicolon insert “and after the third comma insert ‘sections 43-285 and 43-294, Revised Statutes Supplement, 1982,’ ”.

3. Renumber the remaining sections accordingly.

Mr. Barrett asked unanimous consent to print the following amendment to LB 776 in the Journal. No objections. So ordered.

AM2343

1. In the E & R amendments on page 1288 of the Journal on page 1, line 3, before “said” insert “The”, and strike “and” and insert a comma; in line 4 after “stricken” insert “, and insert ‘Such’”; in line 12 after the semicolon insert “and”; and strike beginning with the first semicolon in line 15 through the final quotation marks in line 20.

Mr. Warner asked unanimous consent to print the following amendment to LB 470 in the Journal. No objections. So ordered.

AM2306

1. Insert the following new section:

“Sec. 7. That section 81-199, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 475, Eighty-eighth Legislature, Second Session, 1984, and section 1, Legislative Bill 480, Eighty-eighth Legislature, Second Session, 1984, be amended to read as follows:

81-199. (1) Except for the Board of Examiners in Dentistry in section 81-197 and the Abstracters Board of Examiners and the State Real Estate Commission in section 81-198, upon termination, each agency, board, or commission shall continue in existence until July 1 of the next succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of each respective agency. Upon the expiration of the one year after termination, each respective agency shall cease all activities.

(2) Upon termination of the Board of Examiners in Dentistry in section 81-197 and of the State Real Estate Commission and the Abstracters Board of Examiners in section 81-198, such board or commission shall

continue in existence until July 1 of the second succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of the board or commission. Upon expiration of the two years after termination, the board or commission shall cease all activities.

~~(3) Upon termination of the State Real Estate Commission in section 81- 198, such commission shall continue in existence until July 1 of the second succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of the commission. Upon expiration of the two years after termination, the commission shall cease all activities.~~".

2. In the E & R amendments, AM5240:

a. Strike amendment 1;

b. On page 2, line 15, strike beginning with "81-197" through "1983" and insert "81-199, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 475, Eighty-eighth Legislature, Second Session, 1984, and section 1, Legislative Bill 480, Eighty-eighth Legislature, Second Session, 1984"; and

c. Renumber the remaining amendments accordingly.

VISITORS

Visitors to the Chamber were 13 eighth grade students and teacher from St. Michael School, Albion; and 26 fifth and sixth grade students and teachers from Palmer.

ADJOURNMENT

At 4:27 p.m., on a motion by Mr. R. Johnson, the Legislature adjourned until 9:00 p.m., Friday, March 9, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 9, 1984

LEGISLATIVE JOURNAL

FORTY-THIRD DAY - MARCH 9, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 9, 1984

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Reverend David Newman, First Lutheran Church, and Concordia Lutheran Church, of Allen, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers and Clark who were excused; and Messrs. Barrett, V. Johnson, Lamb, H. Peterson, Warner, and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1392, line 6 strike "Barrett" and insert "Beutler".
The Journal for the Forty-First Day was approved as corrected.
The Journal for the Forty-Second Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 252. Read. Cosidered.

LR 252 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 282. Read. Considered.

LR 282 was adopted with 26 ayes, 0 nays, and 23 not voting.

MOTION - Approve Appointments

Mr. Landis moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointments found in the Journal on page 1443: James Carmona-Adjutant General; Lovie D. Broadus-State Personnel Board.

Voting in the affirmative, 26:

Abboud
Beyer
Carsten
Chronister
DeCamp
Eret
Fenger
Goll
Haberman
Hefner
Higgins
Jacobson
Johnson, R.
Kahle
Kilgarin
Labedz
Landis
Lundy
McDonald
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Schmit
Wagner

Voting in the negative, 0.

Present and not voting, 15:

Beutler
Goodrich
Hannibal
Harris
Hoagland
Johnson, L.
Morehead
Pappas
Rupp
Scofield
Sieck
Vickers
Von Minden
Wesely
Withem

Excused and not voting, 8:

Barrett
Chambers
Clark
Johnson, V.
Lamb
Marsh
Peterson, H.
Warner

The appointments were confirmed with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 152.

A BILL FOR AN ACT to amend section 70-637, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to provide an exception to certain purchasing procedures; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Barrett	Beyer	Carsten	Chronister
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Harris	Hefner	Hoagland
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Higgins	Jacobson

Excused and not voting, 4:

Chambers	Clark	Johnson, V.	Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 657.

A BILL FOR AN ACT relating to child support; to prevent the abatement of child support judgments as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Johnson, L.	Johnson, R.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
McDonald	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Present and not voting, 1:

Jacobson

Excused and not voting, 4:

Chambers Clark Johnson, V. Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 768.

A BILL FOR AN ACT relating to schools; to amend section 79-445, Revised Statutes Supplement, 1982; to authorize attendance of certain pupils without payment of tuition; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud Barrett Beutler Beyer Carsten
Chronister DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Kahle Kilgarin Labedz Lamb Landis
Lundy Marsh McDonald Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Schmit Scofield Sieck
Vickers Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Clark Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 833. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1301, 77-1301.07, and 77-1330, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to assessment and reappraisal of certain property; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chronister DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Hoagland Jacobson Johnson, L. Johnson, R. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 3:

Chambers Clark Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 833A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 833, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Withem				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers	Clark	Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 919.

A BILL FOR AN ACT relating to banking; to amend section 4-212, Uniform Commercial Code; to change provisions relating to rights of revocation, charge-back, and refund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Withem				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers	Clark	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 923. With Emergency.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1983; to provide the same advantages as federal savings and loan associations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Withem				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers	Clark	Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 934. With Emergency.

A BILL FOR AN ACT relating to the militia; to amend sections 55-135, 55-146, 55-155, and 55-157, Reissue Revised Statutes of Nebraska, 1943, and section 55-134, Revised Statutes Supplement, 1982; to change certain provisions relating to National Guard personnel; to harmonize provisions; to provide a limitation on service in emergency situations; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Fenger	Goll	Goodrich
Haberman	Hannibal	Harris	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Present and not voting, 1:

Eret

Excused and not voting, 3:

Chambers	Clark	Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 967.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-815.27, Reissue Revised Statutes of Nebraska, 1943; to limit certain actions of the commission as prescribed; to provide duties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 3:

Chambers
Clark
Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1000.

A BILL FOR AN ACT relating to water rights; to amend section 46-229.02, Revised Statutes Supplement, 1983; to change provisions relating to notice of forfeiture and annulment; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

Excused and not voting, 3:

Chambers Clark Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1032.

A BILL FOR AN ACT relating to oil and gas development; to amend section 57-910.03, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to approval of proposed plans as prescribed; to eliminate provisions relating to amendment of certain orders; and to repeal the original section, and also section 57-910.04, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beyer Carsten Chronister
DeCamp Eret Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Hoagland Jacobson Johnson, L. Johnson, R. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Chambers Clark Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LR 2CA to Select File

Mrs. Pirsch moved to return LR 2CA to Select File for her following specific amendment:

1. On page 2, line 11, strike "confiscated" and insert "seized".
2. On page 1, line 5, strike "primary" and insert "general"; strike "May" and insert "November".

The motion to return prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 2CA. The Pirsch specific amendment found in this day's Journal was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Add Co-Introducer

Miss Kilgarin asked unanimous consent to have her name added as co-introducer to LR 2CA. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 782. With Emergency.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1707, Reissue Revised Statutes of Nebraska, 1943; to authorize cities and villages to contract for compensation for certain services and for the use of certain vehicles and equipment as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud Barrett Beyer Carsten DeCamp

Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler
Chronister
Kilgarin

Excused and not voting, 3:

Chambers
Clark
Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 1064. E & R amendment, AM5303, found in the Journal on page 1142 for the Thirty-Fourth Day was adopted.

Messrs. Chronister and Beutler asked unanimous consent to withdraw their pending amendment found in the Journal on page 1392.

Messrs. Chronister and Beutler offered the following amendment:
page 2, line 18, after "involved."
~~The person, firm, or corporation entitled to a lien pursuant to this section may forelose the same in the manner provided by law for the foreclosing of secured transactions. At least thirty days before the sale of the livestock for the satisfaction of such lien, the person, firm, or corporation entitled to the lien shall file in the office of the county clerk in the county in which the livestock are fed and kept an affidavit describing the livestock and setting forth the amount justly due for the feeding and keeping of the livestock,~~page 3, line 1:
~~products furnished, machinery and equipment used, or performance of work or labor.~~
New language, beginning on page 2, line 18:
Such person, firm or corporation furnishing feed or feed ingredients, machinery and equipment, or performing work or labor in the feeding of

livestock shall file a notice in the office of the county clerk of the county in which such livestock are located. Such notice of lien shall:

(1) designate the name and address of the person for whom such feed or feed ingredients, machinery and equipment or work or labor were provided;
(2) the amount due for such feed or feed ingredients, machinery and equipment or work or labor performed covered by the lien;
(3) the place where such livestock are located;
(4) A reasonable description of such livestock including the number and type of such livestock, and
(5) the last date on which such feed or feed ingredients, machinery and equipment or work or labor were supplied.

Such lien shall attach and have priority as of the date of the filing if filed in the manner provided in this section and may be foreclosed in the manner and form provided for the foreclosure of secured transactions provided in article 9 of the Uniform Commercial Code.

Upon receipt of a lien filed pursuant to this Section, or an amendment, release or termination of such lien, the county clerk shall immediately transmit to the Secretary of State the following document information:

(a) Identification of the document;
(b) Document number;
(c) Name and address of the debtor or debtors;
(d) Name and address of the creditor or creditors;
(e) Type or types of goods covered;
(f) Date and time of filing; and
(g) Social security or federal identification number of the debtor or debtors, if known.

The fee for filing, amending, or releasing such lien shall be the same as set forth in section 9-403, Uniform Commercial Code.

Mr. Vickers offered the following amendment to the Chronister-Beutler amendment:

On the last line of page 1, after the word "attach" strike "and have priority".

Mr. Vickers asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

The Chronister-Beutler amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 152, 657, 768, 833, 833A, 919, 923, 934, 967, 1000, 1032, and 782.

SELECT FILE

LEGISLATIVE BILL 776. E & R amendment, AM5324, found in the Journal on page 1288 for the Thirty-Ninth Day was adopted.

Mr. Barrett renewed his pending amendment, AM2343, found in the Journal on page 1464.

The amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 692. E & R amendments, AM5332, found in the Journal on page 1353 for the Fortieth Day were adopted.

Mr. Hoagland renewed his pending amendment, AM2242, found in the Journal on page 1296.

The Hoagland amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM2382, found in the Journal on page 1458.

Mr. DeCamp offered the following amendment to the DeCamp amendment:

Section 1. On page 3, line 7, delete the period, and add the following language: "If the time to begin suit under this act would otherwise expire before the end of such 90-day period."

On page 4, line 17, delete the period, and add the following language: "If the time to begin suit under this act would otherwise expire before the end of such 90-day period."

The DeCamp amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The DeCamp amendment, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Hoagland offered the following amendment:
AM2392
(Amendments to Standing Committee amendments, AM1709)

1. On page 3, line 22, after the comma insert "and"; and strike beginning with "and" in line 25 through line 26 and show as stricken.

2. On page 4, line 1, strike beginning with "the" through the comma and show as stricken.

The Hoagland amendment lost with 5 ayes, 17 nays, 24 present and not voting, and 3 excused and not voting.

Miss Kilgarin offered the following amendment:
AM2212
(Amendments to Standing Committee Amendments, AM1709)

1. On page 22, strike lines 12 through 14 and insert:

"(3) If the members of the medical review panel have not been selected within one hundred twenty days following filing of the petition or complaint required by section 44-2840, the court shall have authority to select members of the panel and to set a specific date for the hearing.".

The Kilgarin amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Miss Kilgarin offered the following amendment:
AM2215
(Amendments to Standing Committee Amendment, AM1709)

1. On page 19, line 5, after "of" insert "optional"; strike beginning with "in" in line 8 through the period in line 9, show as stricken, and insert an underscored period; strike lines 10 through 14 and show as stricken; in line 15 strike "(3)", show as stricken, and insert "(2)"; strike beginning with "notice" in line 17 through "proposed" in line 18 and show as stricken; strike beginning with "served" in line 18 through "mail" in line 19, show as stricken, and insert "filed with a court having requisite jurisdiction"; in line 20 strike "notice", show as stricken, and insert "petition or complaint"; and in line 24 strike "(4)" and insert "(3)".

2. In the Hoagland amendments on page 1191 of the Journal, on page 1, line 4, strike "(5)" and insert "(4)".

The Kilgarin amendment lost with 5 ayes, 14 nays, 27 present and not voting, and 3 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 252 and LR 282.

SELECT FILE

LEGISLATIVE BILL 692. Miss Kilgarin offered the following amendment:
AM2213
(Amendments to Standing Committee Amendment, AM1709)

1. On page 3, line 17, after "patient" insert "or his or her representative"; in line 22 after the comma insert "and"; and strike beginning with "and" in line 25 through line 26, show as stricken, and insert "it shall be conclusively presumed that the patient has elected to be bound.";

2. On page 4, strike beginning with "the" in line 1 through the period in line 5 and show the old matter as stricken; and strike lines 15 through 24, show the old matter as stricken, and insert a new subsection as follows:

"(3) An election of a patient not to be bound shall be effective until such time as the patient or his or her representative revokes the election. The patient may revoke the election in writing at any time and a copy of such revocation shall be forwarded to the director within five days after it is made.".

Miss Kilgarin moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Miss Kilgarin requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Abboud Beutler Chronister Eret Higgins
Hoagland Kilgarin Landis McDonald Newell
Pirsch Rupp Schmit Scofield Vickers
Wagner Warner Wesely Withem

Voting in the negative, 16:

Carsten DeCamp Goll Haberman Hefner
Jacobson Johnson, L. Kahle Lundy Nichol

Pappas Peterson, H. Peterson, R. Remmers Sieck
Von Minden

Present and not voting, 10:

Barrett Beyer Fenger Goodrich Hannibal
Harris Johnson, R. Labedz Marsh Morehead

Absent and not voting, 1:

Lamb

Excused and not voting, 3:

Chambers Clark Johnson, V.

The Kilgarin amendment lost with 19 ayes, 16 nays, 10 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Miss Kilgarin offered the following amendment:
AM2210
(Amendments to Standing Committee Amendments, AM1709)

1. Insert the following new section:

"Sec. 2. That section 44-2819, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2819. (1) In any action for damages for bodily injuries or for wrongful death when it is alleged that the claimant suffered damages for the cost of medical care, custodial care, or rehabilitation services, evidence which tends to establish that the claimant or another person so damaged has been or shall be reimbursed or paid for any such item of damage, cost, or expense, in whole or in part, by any nonrefundable medical reimbursement insurance shall not be admissible in evidence or brought to the attention of the jury.~~, but such nonrefundable medical reimbursement insurance benefits, less all premiums paid by or for the claimant, may be taken as a credit against any judgment rendered. The matter of any credit to be deducted from a judgment shall be determined by the court in a separate hearing or upon the stipulation of the parties.~~

(2) Damages recoverable in any action shall be those losses which have been or shall be sustained by

the claimant as a direct and proximate result of the defendant's wrongful acts as established by a preponderance of the evidence. In wrongful death actions, pecuniary loss to a widow or widower, any dependent, or next of kin shall be subject to all of the terms and provisions of ~~sections 44-2801 to 44-2855~~ the Nebraska Hospital-Medical Liability Act.”.

2. On page 24, line 7, strike “44-2820” and insert “44-2819”.

3. In the DeCamp amendment, AM 1892, on page 5, line 10, strike “5” and insert “6” and strike “6” and insert “7”; and in line 11 strike “18” and insert “19”.

4. In the Hoagland amendment found on page 1191 of the Journal, strike the second amendment and insert:

“2. On page 20, line 1, after the period insert:

‘(5) The exercise of the waiver authorized by this section shall not be subject to attack for the sole reason that the claimant served the director with the notice prescribed by this section prior to the effective date of this act if the requirements of sections 44-2840 to 44-2847 have not been fulfilled before the effective date of this act.’ ”.

6. Renumber the remaining sections accordingly.

The Kilgarin amendment lost with 9 ayes, 12 nays, 25 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 679. E & R amendments, AM5317, found in the Journal on page 1229 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 824. E & R amendments, AM5313, found in the Journal on page 1231 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 991. E & R amendments, AM5314, found in the Journal on page 1231 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 991A. E & R amendment, AM5315, found in the

Journal on page 1231 for the Thirty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

Mr. Von Minden asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1007. E & R amendments, AM5320, found in the Journal on page 1232 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 672. E & R amendment, AM5316, found in the Journal on page 1232 for the Thirty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 760. E & R amendment, AM5329, found in the Journal on page 1358 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1105. E & R amendments, AM5333, found in the Journal on page 1358 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 992. E & R amendments, AM5328, found in the Journal on page 1360 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 642. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 863. E & R amendment, AM5330, found in the Journal on page 1360 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 980. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1016. E & R amendments, AM5334, found in the Journal on page 1360 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 883. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 999. E & R amendments, AM5335, found in the Journal on page 1361 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 726. E & R amendments, AM5337, found in the Journal on page 1378 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 822. E & R amendments, AM5339, found in the Journal on page 1379 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 716. E & R amendments, AM5341, found in the Journal on page 1380 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 910. E & R amendment, AM5342, found in the Journal on page 1381 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1003A. By Pappas, 42nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1003, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

ATTORNEY GENERAL'S OPINION

Opinion No. 199
March 8, 1984

Dear Senator Kilgarin:

In your February 24, 1984, letter you requested our opinion with respect to certain aspects of Neb.Rev.Stat. §44-2828 and Neb.Rev.Stat.

§25-222.

We understand you wish to know whether the six year period of limitations in §44-2828 is an absolute unconditional bar for all malpractice actions in view of the Supreme Court's decision in Sacchi v. Blodig, 215 Neb. 817 concerning §25-222. You also ask whether there are constitutional problems concerning the above statutes.

We have reviewed the recent court decisions, the above statutes, and LB 692 with all amendments to date.

The two statutes are essentially identical. Section 44-2828 apparently was intended to cover actions where the physician or hospital is qualified under the Nebraska Hospital Medical Liability Act while §25-222 covers other professional negligence situations. In Sacchi the Court held that the ten year limitation period in §25-222 is not an absolute bar for actions in which the plaintiff was under a disability contemplated by Neb.Rev.Stat. §25-1213.

It is our opinion in view of the Sacchi decision that the six year limitation in §44-2828 would also be interpreted as not being an absolute bar of those actions where the plaintiff is an infant or is otherwise under a disability contemplated by Neb.Rev.Stat. §25-213. Any other interpretation probably would subject §44-2828 to equal protection and due process problems.

There could be equal protection or other constitutional questions raised concerning the differences between the six and ten year periods in the two statutes. However, it appears that LB 692, as amended, would conform the two statutes in all essential respects and avoid such possible constitutional infirmities. We understand that LB 692 would amend §44-2828 to clearly exclude actions subject to §25-213 and to increase the six year period to ten, the same as in §25-222.

Please let us know if you have further questions.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John R. Thompson
Deputy Attorney General

JRT:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Goll asked unanimous consent to print the following amendment to LB 721 in the Journal. No objections. So ordered.

AM2314
1. Strike Standing Committee amendments 1

through 3 and insert the following new amendment:

"1. Strike original sections 1 to 3 and insert new sections as follows:

'Section 1. That section 85-990, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-990. Substantial financial need shall mean the difference between the student's financial resources available, including those available from parents, a parent, guardian, or spouse, and the student's anticipated educational expenses while attending the postsecondary educational institution, taking into account that:

(1) In determining whether a dependent student has substantial financial need, the commission shall consider such factors as serious family illness, the number of dependent children of the student's parents, the number of such dependent children attending institutions of higher education, and such other circumstances as may affect the ability of the student and student's parents to contribute toward the cost of the student's education; and

(2) In determining whether an independent or self-supporting student has substantial financial need, the commission shall consider such factors as any serious illness in the student's family, the number of dependent children of the student, the number of such dependent children attending institutions of higher education, and such other circumstances as may affect the ability of the student or spouse to ~~contribute toward the cost of the student's education~~ pay tuition and other qualifying educational expenses.

Sec. 2. That section 85-992, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-992. Award shall mean a grant of money by the commission to an eligible student for tuition and other qualifying educational expenses.

Sec. 3. That section 85-994, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-994. An award may be given to an eligible student for attendance at an eligible postsecondary educational institution if:

(1) The award is made directly to the eligible

student rather than to the eligible postsecondary educational institution;

(2) The individual is accepted for enrollment, as follows:

(a) In the case of an individual beginning his or her first year or freshman year of postsecondary education such individual has satisfied requirements for admission and has enrolled in an eligible postsecondary educational institution; or

(b) In the case of an individual enrolled in an eligible postsecondary educational institution following the successful completion of the first year, he or she continues to meet the requirements of sections 85-980 to 85-9,102 and has maintained such minimum standards of performance as are required by the institution in which the individual is enrolled;

(3) The maximum award, including when applicable, federal matching funds, paid to an eligible student in any one school year, shall be the lesser of the following amounts:

(a) ~~One thousand eight hundred dollars~~ An amount to be set each year by the commission after consideration of the federal Pell Grant authorization limitation; or

(b) One half the ~~The~~ actual tuition and fees charge at the eligible postsecondary educational institution selected by the eligible student;~~.~~ ~~Notwithstanding this measure of the amount of the award by the amount of the actual tuition charge, the award paid to the student may be used by the student for any educational expenses;~~

(4) The award is given on the basis of substantial financial need;

(5) The award covers one school year of attendance as an undergraduate student at an eligible postsecondary educational institution;

(6) The individual receiving such an award signs a notarized affidavit stating that the award will be used ~~only for~~ first for tuition and any remainder for other qualifying educational expenses;

(7) The individual is not pursuing a course of study which is pervasively sectarian and creditable toward a theological or divinity degree; and

(8) The individual has complied with such rules and regulations as may be established by the

commission.

Sec. 4. That section 85-999, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-999. The commission shall be responsible for:

(1) Supervision of the issuance of public information concerning sections 85-980 to 85-9,102;

(2) Determination of criteria for the eligibility of grantees;

(3) Adoption of rules and regulations for processing and approving applications from students;

(4) Determination of recipients of grants made pursuant to sections 85-980 to 85-9,102; ~~and~~

(5) Determination of the effective date of grants made pursuant to sections 85-980 to 85-9,102; and

(6) Determination of criteria for the size of grants, which shall be in proportion to eligible students' financial needs and based upon available appropriations.

Sec. 5. That original sections 85-990, 85-992, 85-994, and 85-999, Reissue Revised Statutes of Nebraska, 1943, are repealed.'.".

Mrs. Higgins asked unanimous consent to print the following amendment to LB 915 in the Journal. No objections. So ordered.

1. Add a new Sec. 2 as follows:

Any person, firm or corporation who (a) receives money from a client, (b) transports or forwards the money to a licensed race track, and (c) places the money into the race track's parimutual pool in a manner directed by the client, on the effective date of this act may continue such service at their present locations only until January 1, 1987.

2. Add the emergency clause.
3. Renumber sections accordingly.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 8, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell

Clerk of the Legislature

Cutshall, Bruce A. - Lincoln, Moors, H. Jack
Kelley, Michael - Omaha, Nebraska Independent Auto Dealers; Omaha Auto Auction, Inc. (Reinstated 3-7-84)

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 9, 1984, at 10:55 a.m., were the following bills: 657, 768, 833, 833A, 919, 923, 934, 967, 1000, 1032, and 782.

(Signed) Pam Moravec, Enrolling Clerk

MOTION - Reconsider LB 152

Mr. Schmit moved to reconsider final passage of LB 152.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 692. Advanced to E & R for Engrossment with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1076. E & R amendments, AM5338, found in the Journal on page 1381 for the Fortieth Day were adopted.

Mr. DeCamp renewed his pending amendment, AM2312, found in the Journal on page 1398.

The DeCamp amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Goodrich asked unanimous consent to withdraw his pending amendment found in the Journal on page 1427. No objections. So ordered.

Mr. Goodrich renewed the Goodrich-Wesely pending amendment, AM2381, found in the Journal on page 1461.

The Goodrich-Wesely amendment was adopted with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 960. E & R amendments, AM5295, found in the Journal on page 1081 for the Thirty-Second Day were adopted.

Mr. Landis renewed his pending amendment, AM2030, found in the Journal on page 1058.

The Landis amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 960A. E & R amendment, AM5296, found in the Journal on page 1081 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 473. E & R amendments, AM5285, found in the Journal on page 1061 for the Thirty-First Day were adopted.

Mr. DeCamp renewed his pending amendment found in the Journal on page 639.

The DeCamp amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Messrs. Beutler and Chronister offered the following amendment:
AM1891
(Amendments to Standing Committee Amendments)

1. Insert the following new section:

"Sec. 26. That section 84-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-301. The Auditor of Public Accounts shall reside and keep his or her office at the seat of government. The Auditor of Public Accounts shall be a certified public accountant.".

2. On page 19, line 3, after "1-151," insert "84-301,".

3. Renumber the remaining sections accordingly.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. R. Johnson and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler-Chronister amendment lost with 12 ayes, 14 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 956A. By Eret, 32nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 956, Eighty-eighth Legislature, Second Session, 1984.

UNANIMOUS CONSENT - Print in Journal

Miss Kilgarin asked unanimous consent to print the following amendment to LB 692 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2216.)

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LB 692. No objections. So ordered.

VISITORS

Visitors to the Chamber were Irene Wesely from Lincoln and Kendra Wesely from Milford; Mr. and Mrs. John Coolidge and Mrs. and Mrs. Fred McDaniel from Bayard; Mr. Paul Renner and Kris and Kevin Renner from Madison; 9 students, teacher, and sponsors from Valleyside District 10, Ord; 19 seniors and teacher from Coleridge; Selma Vosika from Lincoln; Bernie Peiper and family from North

Platte; Mary Walsh from Atchison, Kansas; Senator Wagner's son, Tom from Kearney; and Mr. Terry Trueblood and Mr. Bill Denker from Lexington.

RECESS

At 12:05 p.m., on a motion by Mr. Pappas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers and Clark who were excused; and Messrs. Goodrich, Haberman, Harris, R. Johnson, V. Johnson, Lamb, Schmit, Von Minden, Wagner, Withem, Mesdames Higgins, Labedz, Marsh, and Miss Kilgarin who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 809 in the Journal. No objections. So ordered.

AM2332

1. Strike the original sections and all amendments thereto.

2. Insert new sections as follows:

"Section 1. The Legislature finds and declares that homeowners in Nebraska have carried an excessive share of the tax burden through property taxes. It is the intent of the Legislature to provide these property taxpayers with true property tax relief. Such relief shall take the form of a direct reimbursement to the taxpayer without an increase in any other tax.

Sec. 2. For the purpose of this act, unless the context otherwise requires, the definitions found in sections 3 to 6 of this act shall be used.

Sec. 3. Homeowner shall mean a person who (1) actually occupies and is the owner of record or is purchasing a homestead under a land contract, (2) actually occupies and owns or is purchasing a dwelling situated on the leased lands of another, (3) is a tenant-stockholder of a cooperative housing corporation, or (4) is the beneficiary of a trust of which the trustee is the record title owner and the beneficiary-occupant has (a) a specific right to occupy the premises as stated in the trust instrument, (b) the right to amend or revoke the trust to obtain such power of occupancy or of title, or (c) the power to withdraw the homestead premises from the trust and place the record title in such occupant's name.

Sec. 4. Homestead shall mean the dwelling and so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for use of the dwelling as a home, and may consist of a part of a multifamily dwelling or multipurpose building and a part of the land upon which it is built. Homestead shall also include mobile homes.

Sec. 5. Household shall mean the homeowner, his or her spouse, and all other persons except minors who live in the same dwelling sharing the furnishings, facilities, accommodations, and expenses.

Sec. 6. Property taxes paid shall mean property taxes, exclusive of special assessments, delinquent interest, and charges for service, levied on a homeowner's homestead in this state in 1983 or any calendar year thereafter and actually paid by the homeowner. When a homeowner owns and occupies two or more different homesteads in the state in the same calendar year, property taxes paid shall mean the total property taxes paid for both homesteads, except that if both homesteads are simultaneously owned by the homeowner, property taxes paid shall mean the property taxes paid for only one homestead during the period of simultaneous ownership. If a homestead is an integral part of a large unit such as a farm or a multipurpose or multifamily dwelling, property taxes paid shall be a percentage of the total property taxes paid in proportion to the value of the homestead as compared to the total value of the property. For purposes of this section, unit refers to the parcel of property covered by a single tax statement of which the homestead is a part.

Sec. 7. All homesteads in this state shall be assessed for taxation the same as other property except that assistance shall be provided to homeowners on a percentage of the property tax paid on the homestead as provided in section 9 of this act.

Sec. 8. Upon request of the Tax Commissioner, each county assessor shall supply to the Department of Revenue a statement of property taxes paid by every homeowner in the county.

Sec. 9. The Tax Commissioner shall use the statement provided in section 8 of this act to calculate the tax reimbursement each homeowner shall receive. Each homeowner shall receive the lesser of twenty per cent of the property taxes paid on their homestead or two hundred twenty-five dollars. A check for such reimbursements shall be mailed to each recipient on or before October 15, 1984, and before such date each year thereafter, for the preceding year's property taxes.

Sec. 10. Any person aggrieved by the denial in whole or in part of relief claimed under this act, except when the denial is based upon late filing of a claim, may appeal the denial to the Department of Revenue by filing a notice of appeal within twenty days after receipt of notice of such denial. The appeal shall be made pursuant to Chapter 84, article 9.

Sec. 11. A claim shall be disallowed if the Department of Revenue finds that the claimant received title to his or her homestead primarily for the purpose of receiving benefits under this act.

Sec. 12. A person may amend a claim for relief under this act by filing an amended claim. The amended claim must be filed within two years of the filing of the initial claim.

Sec. 13. The Tax Commissioner shall adopt and promulgate rules and regulations which are necessary for the administration of this act.

Sec. 14. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

GENERAL FILE

LEGISLATIVE BILL 928. The Vickers-Hoagland-H. Peterson-DeCamp amendment, AM2240, printed separate from the Journal and referred to on page 1252 was considered.

Messrs. Beutler and Chambers offered the following amendment to the pending Vickers et al amendment:

P. 3, strike all subsection (7).

The Beutler-Chambers amendment was adopted with 17 ayes, 5 nays, 15 present and not voting, and 12 excused and not voting.

Messrs. Beutler and Chambers offered the following amendment to the Vickers et al amendment:
P. 3 strike all of subsection (8).

The Beutler-Chambers amendment lost with 7 ayes, 14 nays, 20 present and not voting, and 8 excused and not voting.

Messrs. Beutler and Chambers offered the following amendment to the Vickers et al amendment:
P. 4, line 10: Place period after "state", strike all remaining language in lines 10-12.

The Beutler-Chambers amendment was adopted with 13 ayes, 11 nays, 18 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 807 in the Journal. No objections. So ordered.

On page 2, Line 1, after the word, "Section" stike ~~1.~~ and replace with 2.
On page 4, Line 2, after the word, "Sec." strike ~~2.~~and replace with 3.
On page 5, line 7, after the word, "Sec." strike ~~3.~~ and replace with 4.
On page 7, Line 12, amend as follows:
Section. ~~4.~~ 5. That original sections 9- 307, 9-413, and 9-414, Uniform Commercial Code, are repealed.
On page 1, line 1, create a new Section 1.
Section 1. That section 9- 307, Uniform Commercial Code, be amended to read as follows:
9-307. Protection of buyers of goods.

(1) A buyer in ordinary course of business (subsection (9) of section 1-201) other than a person buying farm products from a person engaged in farming operations takes free of security interest created by his or her seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he or she buys without knowledge of the security interest, for value and for his or her own personal, family or housefold purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advanced made after the secured party

acquires knowledge of the purchase.

(4) Strike the original subsection and amend as follows:

A buyer of farm products, other than a packing plant, packing house, or a livestock marketing agency, as defined in Neb. Rev. Stat. §54- 101(13) and (19), may request a secured party to provide the buyer with a list of debtors as to whom the secured party holds a perfected security interest in farm products or crops, and as to whom the secured party further requires that the secured party be named as joint payee on any check or draft issued to the debtor in payment for farm products. Upon such a request from the buyer, in writing, the secured party shall provide such a list containing: (1) the date of the list; (2) the name and residence address of each such debtor; (3) identification of the farm products of each such debtor subject to the security interest; and (4) the name and address of the secured party. Such list shall be kept current by the secured party for a period of six months following the date the list is initially provided to the buyer, and shall be held in confidence by the buyer. The buyer shall take farm products free of the security interest created in favor of that party against any debtor whose name does not appear on such current list which has been provided to the buyer, or any debtor with whom the secured party is named as a joint payee on a check or draft issued in payment for farm products, even though the secured party has perfected its security interest and the buyer has knowledge thereof. A buyer shall take farm products subject to the security interest of a secured party providing such a list only as to debtors whose names appear on such current list, provided to the buyer, and as to whom the buyer fails to list the secured party as a joint payee on any check or draft issued in payment for farm products; provided however, (1) such security cannot be enforced against such buyer unless the security interest has been perfected by the secured party in accordance with the provisions of this article; (2) the debtor has failed to account to the secured party for the proceeds of the sale; and (3) the secured party has prosecuted the debtor pursuant to Neb. Rev. Stat. §§69- 101 to 69- 111. Any secured party whose name appears as a joint payee on a check or draft issued by the buyer shall be relieved of liability to other secured parties of the same debtor whose names do not appear as joint payees on such check or draft.

(5) Strike the original subsection and amend as follows:

A packer who buys farm products in the ordinary course of business takes free of a security interest in those farm products unless, within one year prior to payment of the proceeds to the seller, the secured party has given written notice of its security interest to the packer. Such notice shall be dated and shall contain the full name and address of the seller, a statement which identifies the farm products subject to the security interest, and the name, address and telephone number of the secured party. The packer shall include the name of any secured party who has furnished notice of its security interest as provided in this subsection as joint payee on the check or other instrument issued in payment for such farm products. A packer who fails to comply with the provisions of this subsection takes subject to the interest of the holder of a perfected security interest in such products.

(6) Add a new subsection as follows:

A livestock marketing agency who sells farm products shall not be liable to the holder of a security interest in such farm products unless, within one year prior to payment of the proceeds to the seller, the secured party has given written notice of its security interest to the livestock marketing agency. Such notice shall be dated and shall contain the full name and address of the seller, a statement which identifies the farm products subject to the security interest, and the name, address and telephone number of the secured party. The livestock marketing agency shall include the name of any secured party who has furnished notice of its security interest as provided in this subsection as joint payee on the check or other instrument issued in payment for such farm products. A livestock marketing agency who fails to comply with the provisions of this subsection shall be liable to the holder of a perfected security interest in such products as if it were a buyer taking subject to such security interest.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 724. Placed on Select File as amended.
E & R amendments to LB 724:
AM5351

Because of line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. In the Standing Committee amendments, AM1923, adopted March 2, 1984:

a. On page 2, strike beginning with "board" in line 9 through "Nursing" in line 10, show as stricken, and insert "boards";

b. On page 3, line 7, strike "Nursing" and insert "Practice";

c. On page 5, line 2, after "rules" insert "and regulations"; in line 11 strike "one year" and insert "one- year"; in line 22 strike "insert" and insert "reinstate the stricken", and remove the underscoring from "board"; and in line 24 strike "Submitting" and insert "Submission of";

d. On page 6, line 8, after "after" insert "the second"; in lines 21, 23, and 25 strike "must" and insert "shall"; and in line 25 strike "this act" and insert "the Nurse Practitioner Act"; and

e. On page 7, lines 1 and 2, strike "this" and insert “such”.

2. On page 1, line 2, after the second comma insert “71-1707,”; in line 6 after the semicolon insert “to rename an act;”; in line 9 after the semicolon insert “to eliminate an advisory council;”; and in line 11 after “certification” insert “and renewal”, and after the semicolon insert “to provide for temporary certification;”.

3. On page 3, line 12, strike the commas and show the old comma as stricken.

4. On page 4, lines 2, 11, 13, 16, 19, 21, and 23, strike the comma and show as stricken.

5. On page 5, lines 6 and 8, strike the comma and show as stricken; and in line 21 strike beginning with “12” through “24” and insert “9, 10, 15 to 19, 22, and 24 to 27”.

6. On page 6, line 2, strike the second “and”; and in line 3 after “7” insert “, 9, and 10”.

7. On page 8, line 27, strike “expanded”, show as stricken, and insert “nurse practitioner”.

8. On page 12, line 25, strike the comma and insert “when”.

9. On page 16, line 2, after “competence” insert an underscored comma; in lines 3 and 25 after “boards” insert an underscored comma; in lines 7, 8, and 11, strike “expanded”, show as stricken, and insert “nurse practitioner”; and in line 24 after “made” insert an underscored comma.

10. On page 17, lines 8 and 9, strike the comma.

11. On page 21, line 8, strike “board” and show as stricken; and in line 9 strike “certified”, show as stricken, and insert “board- certified”.

LEGISLATIVE BILL 724A. Placed on Select File.

LEGISLATIVE BILL 682. Placed on Select File as amended.
E & R amendments to LB 682:
AM5352

1. On page 1, line 2, strike the first comma and insert “and” and strike “and 17-209.02,”; in line 3 strike “and”; in line 6 after “1983” insert “, and section 17-209.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 368, Eighty-eighth Legislature, Second Session, 1984”; in line 7 strike “prohibit” and insert “change provisions

prohibiting"; in line 9 strike "disclosure" and insert "recording and storage"; in line 11 strike "and"; and in line 12 after "sections" insert "; and to declare an emergency".

2. In the Standing Committee amendments, AM1963:

a. On page 2, line 19, strike "and" and insert "; in line 15 after 'mean' "; and

b. On page 3, line 10, strike "and" and insert "; in line 7 after 'mean' "; and in line 25 strike "and" and insert "; in line 24 after 'mean' ".

LEGISLATIVE BILL 471. Placed on Select File as amended.
E & R amendments to LB 471:
AM5355

1. On page 1, line 1, after "ACT" insert "relating to collection agencies;"; strike beginning with the second comma in line 3 through "agencies" in line 4; and in line 7 after the first semicolon insert "to change a bond requirement; to harmonize provisions;".

2. On page 2, line 8; page 5, lines 4, 6, 14, and 19; page 6, lines 11 and 27; page 12, line 22; page 20, lines 4 and 27, before "sections" insert "such".

3. On page 2, line 8; page 5, lines 14 and 19; page 12, line 22; and page 20, line 4, after "sections" insert an underscored period.

4. On page 5, line 4, and page 20, line 27, after "sections" insert an underscored comma.

5. On page 2, line 8; page 5, lines 4, 5, 7, 14, 15, 19, and 20; page 6, line 12; page 7, line 1; page 12, lines 22 and 23; page 20, lines 4 and 5; and page 21, line 1, strike the new matter.

6. On page 2, line 8; page 5, lines 15 and 20; page 12, line 23; and page 20, line 5, strike the period and show as stricken.

7. On page 5, line 5, and page 21, line 1, strike the first comma and show as stricken.

8. On page 7, line 17, after "in" insert "a".

9. On page 8, line 6, strike "; Provided,", show as stricken, and insert ", except that"; and in line 25 after "which" insert an underscored comma.

10. On page 10, lines 5 and 6, strike "; Provided,", show as stricken, and insert ", except".

11. On page 17, line 14, after the first

comma insert "or".

12. On page 20, line 2, strike "said", show as stricken, and insert "the".

13. In the Standing Committee amendments, AM1673, adopted March 2, 1984, on page 1, strike beginning with "as" in line 7 through "act" in line 8.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 928. Messrs. Beutler and Chambers offered the following amendment to the Vickers et al amendment:

P. 5 strike lines 17-19.

Mr. Beutler moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Beutler Carsten DeCamp Haberman Hannibal
Harris Higgins Kilgarin Landis Lundy
McDonald Morehead Newell Nichol Pappas
Peterson, R. Pirsch Rupp Schmit Scofield
Wagner Wesely Withem

Voting in the negative, 21:

Abboud Barrett Chronister Eret Fenger
Goll Hefner Hoagland Jacobson Johnson, L.
Johnson, R. Kahle Labedz Lamb Marsh
Peterson, H. Remmers Sieck Vickers Von Minden
Warner

Present and not voting, 1:

Beyer

Excused and not voting, 4:

Chambers Clark Goodrich Johnson, V.

The Beutler-Chambers amendment was adopted with 23 ayes, 21 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment to the Vickers et al amendment:

No publicly funded college or university in this state shall prohibit admission of any child educated in a weekday church educational program under this act if the child is otherwise qualified for admission as show by testing results.

The Beutler amendment was adopted with 19 ayes, 6 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment:

Strike subsection (c) beginning on line 20, page 5 and replace it with the following new sentence:

Parent or legal guardian fails to present his or her child for testing at the time and place designated by the State Department of Education".

The Beutler amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Messrs. Hoagland and DeCamp offered the following amendment to the Vickers et al amendment:

1. to insert in Sections 3 of the bill the following

"(b) Information furnished by the parent or legal guardian knowingly contains a false statement of material fact"

2. Strike the Beutler amendment adopted 3-1-84.

Mr. Beutler requested a division of the question on the Hoagland-DeCamp amendment.

The Chair sustained the division of the question.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The first Hoagland-DeCamp amendment to the Vickers et al amendment is as follows:

1. To insert in section 3 of the bill the following

"(b) Information furnished by the parent or legal guardian knowingly contains a false statement of material fact"

The first Hoagland-DeCamp amendment was adopted with 16 ayes, 4 nays, 24 present and not voting, and 5 excused and not voting.

The second Hoagland-DeCamp amendment was ruled a reconsideration and ruled out of order.

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. DeCamp requested a roll call vote on the Vickers et al amendment.

Voting in the affirmative, 20:

Abboud	Barrett	Beyer	Chronister	DeCamp
Fenger	Goll	Hefner	Hoagland	Kahle
Labedz	Lamb	Landis	Pappas	Peterson, H.
Pirsch	Remmers	Sieck	Vickers	Von Minden

Voting in the negative, 24:

Beutler	Carsten	Eret	Haberman	Hannibal
Harris	Higgins	Jacobson	Johnson, L.	Johnson, R.
Kilgarin	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Peterson, R.	Schmit	Scofield
Wagner	Warner	Wesely	Withem	

Excused and not voting, 5:

Chambers	Clark	Goodrich	Johnson, V.	Rupp

The Vickers et al amendment lost with 20 ayes, 24 nays, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Vickers offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2383.)

Messrs. Chronister, Abboud, Goll, Von Minden, and Kahle asked unanimous consent to be excused. No objections. So ordered.

Ms. Scofield and Miss Kilgarin offered the following amendment to the Vickers amendment:
On pg 10, line 6, strike "offering" and insert "monitoring"
On pg 10, line 7, strike "offer" and insert "monitor"
On pg 10, line 10, strike "instruct" and insert "monitor instruction"

On pg 11, line 2, strike "instruct" and insert "monitor instruction"
On pg 11, line 8, strike "provide" and insert "monitor"
On pg 11, line 12, strike "provide" and insert "monitor"

The Scofield-Kilgarin amendment was adopted with 21 ayes, 0 nays, 18 present and not voting, and 10 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler offered the following amendment to the Vickers amendment:
No publicly funded college or university in this state shall prohibit admission of any child educated in any school electing to meet the requirements of Section 79-1701 under this act if the child is qualified for admission as shown by testing results.

Mr. Wagner asked unanimous consent to be excused. No objections. So ordered.

The Beutler amendment was adopted with 24 ayes, 0 nays, 13 present and not voting, and 12 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 14A, 658, 805, 968, 976A, 979, 1045, 1056A, 1059, and 1071.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 658

The following changes, required to be reported for publication in the Journal, have been made:
ER0181

1. On page 2, line 19, the first comma has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

Governor Appointments Thursday, March 22, 1984 1:00 p.m.

James E. Kamas - Nebraska Commission for Hearing Impaired
Berton Leavitt - Nebraska Commission for Hearing Impaired
Marie L. Williams - Nebraska Commission for Hearing Impaired
Ralph L. Geisler - Nebraska Commission for Hearing Impaired

Edward J. Kucirek - Manufactured Housing Advisory Board
James C. Hille - Manufactured Housing Advisory Board
Robert L. Eddy - Manufactured Housing Advisory Board

Dr. Judy Butler - Rural Health Manpower Commission
Dr. L. C. Potts - Rural Health Manpower Commission
Dr. Perlita A. Narvaez - Rural Health Manpower Commission
Bill Matthews - Rural Health Manpower Commission
Linda Mazour - Rural Health Manpower Commission

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 744 in the Journal. No objections. So ordered.

AM2395

1. Insert a new section as follows:

"Sec. 3. (1) It shall be unlawful to sell, distribute, lease, or operate any mechanical, computer, electronic, or video gaming device with any of the following features:

(a) A credit knock off switch or circuitry that will cancel any credit awarded to a player;

(b) A meter or bookkeeping circuitry to record any redeemed or knocked off credit; or

(c) The ability to increase odds by inserting multiple coins.

(2) The provisions of subsection (1) of this section shall not apply to any device which complies with all of the following:

(a) The device has a ticket printer which prints out information for the player, including: Name of the sponsor, location and serial number of the machine, and time, date, and amount of money awarded;

(b) The device meets all the requirements of Nebraska lottery laws;

(c) The device has a video screen which electronically displays the name of the sponsor; and

(d) The device is under the sponsorship of a legal lottery.

(3) Any person who knowingly operates a device prohibited under subsection (1) of this section, owns, leases, or rents the location on which such device is located, or shares in the proceeds from operation, rental, lease, or sale of such a device operated in or for operation in the State of Nebraska shall be guilty of a Class I misdemeanor and such device shall be subject to confiscation.".

2. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 742. Placed on General File as amended.
AM2321

1. On page 9, line 8, strike the new matter and insert "before January 1, 1986".

(Signed) Rex Haberman, Chairperson

Revenue

LEGISLATIVE BILL 892. Placed on General File as amended.
AM2380

1. Strike original sections 1 and 3 and insert the following new sections:

"Section 1. Pursuant to section 77-2715.01, the rate of the income tax imposed by section 77-2715 shall be nineteen per cent.

Sec. 2. Pursuant to section 77-2715.01, the rate of the sales tax imposed by section 77-2703 shall be three and one half per cent.

Sec. 4. Section 1 of this act shall become operative for all taxable years commencing on or after January 1, 1984. The remaining sections of this act shall become operative on their effective date.".

2. On page 2, strike lines 16 through 19 and show as stricken.

3. Renumber original sections 2 and 4 as sections 3 and 5.

(Signed) Calvin Carsten, Chairperson

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Governor Appointment Tuesday, March 13, 1984 12:00 noon

Phillip Kaldahl - Public Employees Retirement Board
Tamara Brandt - Public Employees Retirement Board
Anne Brooks - Public Employees Retirement Board

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Lamb and Hoagland asked unanimous consent to print the following amendment to LB 341 in the Journal. No objections. So ordered.

Sec. 5 line 22
Strike "Fifteen million" and insert "Twelve Million five hundred thousand"
line 25
Strike "thirty-five million" and insert "Twelve million five hundred thousand:

Messrs. Lamb and Hoagland asked unanimous consent to print the following amendment to LB 341A in the Journal. No objections. So ordered.

Strike "50 million"
Insert "25 million"

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

Governor Appointments Tuesday, March 13, 1984 1:15 p.m.

Frederick W. "Wes" Voseipka - Nebraska Bingo and Pickle Card Regulatory Commission
John LaMalfa - Nebraska Bingo and Pickle Card Regulatory Commission

Lois Roskens - Nebraska Arts Council
Dick C.E. Davis - Nebraska Arts Council
Hod Kosman - Nebraska Arts Council

Governor Appointments Wednesday, March 14, 1984 1:15 p.m.

Gail Walling Yanney - Nebraska Arts Council
Jerome I. Cohn - Nebraska Arts Council

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 845 in the Journal. No objections. So ordered.

AM2295

1. Strike original section 29.

2. On page 20, line 11, after "42-364.06," insert "and"; and in line 12 strike "and 43-512.02,".

3. Renumber the remaining sections accordingly.

4. In the Standing Committee amendments:

(a) Strike amendment 7;

(b) On page 8, line 23, strike "strike lines 1 and 2; in"; and in line 24 after "9" insert a comma; and

(c) Renumber the remaining amendments accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 867 in the Journal. No objections. So ordered.

AM2390
(Amendments to Standing Committee Amendments)

1. On page 1, in lines 2 and 3, strike "three million two" and insert "two million seven"; and in lines 5 and 6 strike "eight million five hundred" and insert "nine million".

Mr. Warner asked unanimous consent to print the following amendment to LB 1128 in the Journal. No objections. So ordered.

AM2386

1. On page 7, after line 7, insert:

"The unexpended General Fund balance existing on June 30, 1984, is hereby reappropriated.".

2. On page 9, line 27, strike "1,344,362" and insert "1,269,362".

3. On page 10, line 2, strike "1,473,112" and insert "1,398,112"; strike lines 8 through 10; in line

18 strike "1,474,999" and insert "1,399,999"; and in line 20 strike "1,603,749" and insert "1,528,749".

4. On page 15, line 16, strike "352,113" and insert "341,163"; and in line 18 strike "369,395" and insert "358,445".

5. On page 16, line 18, strike "838,256" and insert "832,070"; in line 20 strike "5,926,341" and insert "5,920,155"; and in line 25 strike "307,920"; and insert "301,734".

6. On page 20, line 6, strike "195,285,758" and insert "195,268,622"; and in line 10 strike "252,851,463" and insert "252,834,327".

7. On page 22, line 6, strike "8,763,459" and insert "8,722,275"; and in line 8 strike "9,170,360" and insert "9,129,176".

8. On page 23, line 7, strike "35,473,832" and insert "35,432,648"; and in line 10 strike "36,975,241" and insert "36,934,057".

9. On page 32, in lines 11 and 12, strike "1,065,865" and insert "1,040,865"; and in line 17 strike "732,622" and insert "707,622".

10. On page 33, line 12, after "program" insert "an estimated"; in line 16 strike "4,411,978" and insert "4,386,978"; and in line 19 strike "21,698,750" and insert "21,673,750".

11. On page 46, line 6, strike "5,459,266" and insert "5,440,003"; in line 8 strike "14,605,784" and insert "14,586,521"; in line 13 strike "60,643,182" and insert "60,623,919"; and in line 16 strike "97,869,434" and insert "97,850,171".

12. On page 48, line 21, strike "4,614,390" and insert "4,943,612".

13. On page 56, line 5, strike "1,494,597" and insert "1,489,597"; in line 7 strike "1,499,597" and insert "1,494,597"; in line 12 strike "1,524,892" and insert "1,519,892"; and in line 14 strike "1,529,892" and insert "1,524,892".

14. On page 57, in lines 25 and 26, strike "670,000" and insert "600,000".

15. On page 58, line 4, strike "2,843,838" and insert "2,773,838"; and in line 7 strike "5,282,561" and insert "5,212,561".

16. On page 63, in lines 23 and 24, strike "953,534" and insert "948,569".

17. On page 71, line 15, strike "3,085,668"

and insert “3,066,004”; in line 17 strike “3,145,668” and insert “3,126,004”; and in line 21 strike “200,000” and insert “180,336”.

18. On page 72, line 20, strike “35,336,557” and insert “35,316,893”; and in line 24 strike “40,489,925” and insert “40,470,261”.

19. On page 76, line 1, strike “5,694,391” and insert “5,687,180”; and in line 5 strike “9,639,839” and insert “9,632,628”.

20. On page 77, line 5, strike “10,787,803” and insert “10,762,790”; in line 9 strike “20,544,612” and insert “20,519,599”; and in line 12 strike “11,268,451” and insert “11,259,831”.

21. On page 78, line 1, strike “10,829,337” and insert “10,804,324”; in line 5 strike 20,685,591” and insert “20,660,578”; in line 8 strike “3,266,711” and insert “3,260,927”; and in line 12 strike “5,074,304” and insert “5,068,520”.

22. On page 79, line 4, strike “6,066,894” and insert “6,056,394”; and in line 8 strike “10,661,858” and insert “10,651,358”.

23. On page 83, in lines 6 and 7, strike “89,202,052” and insert “88,981,563”; and in lines 16 and 17 strike “22,752,079” and insert “22,715,696”.

24. On page 84, in lines 7 and 8 strike “46,540,613” and insert “46,407,485”; and in line 10 strike “125,000” and insert “50,000”.

25. On page 104, in lines 17 and 18, strike “205,323” and insert “193,451”.

26. On page 111, line 13, strike “884,099” and insert “798,099”; and in line 15 strike “1,908,937” and insert “1,822,937”.

27. On page 112, line 20, strike “999,808” and insert “913,808”; and in line 22 strike “2,024,646” and insert “1,938,646”.

Mr. Warner asked unanimous consent to print the following amendment to LB 1128 in the Journal. No objections. So ordered.

AM2388

Purpose: To delete restoration of the cuts to state aid programs made by LB 1, Eighty-seventh Legislature, Second Special Session, 1982.

Amendment:

1. On page 10, in lines 24, 25, and 27 strike “700,000” and insert “686,000”.

2. On page 11, in lines 6, 7, and 9, strike "17,417,000" and insert "17,068,660"; and in lines 15, 16, and 18 strike "17,000,000" and insert "16,660,000".

3. On page 12, line 8, strike "35,344,351" and insert "34,642,011"; and in line 10, strike "35,445,537" and insert "34,743,197".

4. On page 14, line 6, strike "141,501,994" and insert "138,773,094"; in line 8 strike "154,487,488" and insert "151,758,588"; in lines 10, 11, 15, and 17 strike "95,000,000" and insert "93,100,000"; and in line 22 strike "41,445,000" and insert "40,616,100".

5. On page 15, line 9, strike "141,216,375" and insert "138,487,475".

6. On page 20, line 6, strike "195,285,758" and insert "192,556,858"; and in line 10 strike "252,851,463" and insert "250,122,563".

7. On page 108, in lines 7, 8, and 10 strike "23,520,660" and insert "23,088,850".

Mr. Warner asked unanimous consent to print the following amendment to LB 1128 in the Journal. No objections. So ordered.

AM2387

Purpose: To delete $359,506 for the lump sum budget concept for the Legislative Council.

Amendment:

1. On page 3, in lines 3 and 4, strike "2,843,512" and insert "2,484,006".

2. On page 5, in lines 3 and 4, strike "7,142,891" and insert "6,783,385".

Mr. Warner asked unanimous consent to print the following amendment to LB 1129 in the Journal. No objections. So ordered.

AM2389

1. On page 7, in lines 18 and 19, strike "$90,000 from the State Building Fund and".

2. On page 8, strike lines 4 and 5; and in line 14 strike "334,000" and insert "293,000".

3. On page 9, line 15, strike "200,000" and insert "150,000".

4. On page 10, line 4, strike "2,350,000" and insert "1,850,000"; and in line 6, strike "2,350,000" and insert "2,850,000".

5. On page 11, line 7, strike "500,000" and insert "375,000".

6. Strike original sections 26, 31, and 33.

7. On page 13, line 16, strike "1,049,000" and insert "800,000"; and in line 18 after the comma insert "to initiate the project. There is hereby appropriated $249,000 from the State Building Fund for the fiscal year ending June 30, 1986,".

8. On page 14, line 6, strike "504,000" and insert "399,000"; in line 8 strike "to complete" and insert "for"; and in line 9 strike "4,496,000" and insert "4,601,000".

9. On page 16, line 27, strike "1,600,000" and insert "2,280,000".

10. On page 17, line 1, strike "2,900,000" and insert "720,000".

11. On page 20, line 3, strike "University" and insert "State College".

12. On page 24, line 2, strike "680,000" and insert "0".

13. On page 26, line 7, after "Programs" insert "911,".

14. Renumber remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 799 and 1001.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

3. On page 7, in line 22, insert a new sentence after the period to read as follows: "The same time limits and procedures shall apply whenever a vacancy in the position occurs."

Mr. Lamb asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

AM2353
(Amendment to Standing Committee amendment 2257)

1. On page 24, after line 22 insert:

“As used in sections 23 to 34 of this act, unless the context otherwise requires, natural flow shall mean existing flow reduced by an amount attributable to (1) releases of water from storage, (2) induced recharge from artificial works, and (3) return flows from artificial works as reflected in the records of the Department of Water Resources.”.

2. On page 26, line 5, strike “, existing storage facilities,”.

3. On page 37, line 23, strike “January 1” and insert “February 15”.

Mr. Lamb asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

Amendment to Committee amendments (AM 2257)
1) Strike section 33.
2) Insert a new section as follows:
Sec. . That section 46-204, Revised Statutes Supplement, 1982, be amended to read as follows:
46-204. (1) The right to divert unappropriated waters of every natural stream for beneficial use shall never be denied except when such denial is demanded by the public interest. Priority of appropriation shall give the better right as between those using the water for the same purpose, but when the waters of any natural stream are not sufficient for the use of all those desiring the use of the same, those using the water for domestic purposes shall have preference over those claiming it for any other purpose, those using the water for agriculture purposes shall have the preference over those using the same for manufacturing purposes, except that no use other than a domestic or agricultural use may exercise a preference over an instream appropriation, and no preference may be exercised on behalf of an instream use over any use. Unless otherwise specifically provided, instream appropriations shall be administered strictly on the basis of priority in time.
3) Renumber original sections.

GENERAL FILE

LEGISLATIVE BILL 928. The Vickers pending amendment, AM2383, was renewed.

Mr. Haberman moved to adjourn. The motion lost with 3 ayes, 16 nays, and 30 not voting.

Mr. H. Peterson moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and

24 not voting.

Mr. Haberman requested a record vote on the Vickers amendment.

Voting in the affirmative, 25:

Beyer
DeCamp
Eret
Fenger
Hannibal
Hefner
Hoagland
Kilgarin
Lamb
Landis
Marsh
McDonald
Morehead
Newell
Pappas
Peterson, H.
Pirsch
Remmers
Schmit
Scofield
Sieck
Vickers
Warner
Wesely
Withem

Voting in the negative, 6:

Haberman
Higgins
Jacobson
Johnson, L.
Lundy
Nichol

Present and not voting, 6:

Barrett
Beutler
Carsten
Harris
Labedz
Peterson, R.

Excused and not voting, 12:

Abboud
Chambers
Chronister
Clark
Goll
Goodrich
Johnson, R.
Johnson, V.
Kahle
Rupp
Von Minden
Wagner

The Vickers pending amendment, as amended, was adopted with 25 ayes, 6 nays, 6 present and not voting, and 12 excused and not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Vickers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud
Barrett
Beyer
DeCamp
Eret
Fenger
Hannibal
Hefner
Hoagland
Labedz
Lamb
Landis
Marsh
McDonald
Morehead
Newell
Pappas
Peterson, H.
Remmers
Schmit
Scofield
Sieck
Vickers
Warner
Wesely
Withem

Voting in the negative, 11:

Carsten Haberman Harris Higgins Jacobson
Johnson, L. Kilgarin Lundy Nichol Peterson, R.
Pirsch

Present and not voting, 1:

Beutler

Excused and not voting, 11:

Chambers Chronister Clark Goll Goodrich
Johnson, R. Johnson, V. Kahle Rupp Von Minden
Wagner

Advanced to E & R for Engrossment with 26 ayes, 11 nays, 1 present and not voting, and 11 excused and not voting.

VISITORS

Visitors to the Chamber were Alan, Leona, Mark, Matt and Tom Martens from Ord; Mrs. Janet Casuscelli and Kimbarley Ann from Souix City; Dr. & Mrs. William Doering from Franklin; Jason Smith of Columbus, Tony Uphoff, Tom Moore, Serge Tran, and Tom Tracy from Omaha; Mr. and Mrs. Gail Hall and children from Lexington; Mr. and Mrs. Herman Frericks from Coleridge; Former Senator Tom Kennedy from Newman Grove; 60 fourth graders and teacher from Gretna; 11 students and teachers from Chadron Christian School; 12 students and teacher from Park West Christian School; Kia Hulversrorn from Lincoln, and Susan Kiburz from DeWitt; and Tim Dean, Bryan Wolford, and Steve Kahle from Kearney.

ADJOURNMENT

At 4:18 p.m., on a motion by Mr. McDonald, the Legislature adjourned until 9:00 a.m., Monday, March 12, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 12, 1984

LEGISLATIVE JOURNAL

FORTY-FOURTH DAY - MARCH 12, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 12, 1984

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Clark who was excused; and Messrs. Abboud, Beutler, Chambers, DeCamp, Harris, Lamb, Newell, Rupp, Sieck, Vickers, Wesely, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1515, line 11, strike "Engrossment" and insert "Review".
The Journal for the Forty-Third Day was approved as corrected.

PRESIDENT MCGINLEY PRESIDING

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 809A. By Newell, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 809, Eighty-eighth Legislature, Second Session, 1984.

ANNOUNCEMENT

The Chair announced today is Senator Kilgarin and Speaker Nichol's birthday and Senator V. Johnson's birthday was yesterday.

MOTION - Reconsider Action on LB 152

Mr. Schmit moved to reconsider the passage of LB 152.

The motion to reconsider prevailed with 31 ayes, 0 nays, 3 present and not voting, and 15 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 884. Title read. Considered.

Standing Committee amendments, AM2258, printed separate from the Journal and referred to on page 1382 were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Schmit offered the following amendment:
AM2266

Purpose: To increase the Nebraska State Patrol Drug Control Cash Fund by $50,000.

1. Insert the following new section:

"Sec. 23. That Laws 1983, LB 628, section 58, be amended to read as follows:

Sec. 58. Agency No. 64 — Nebraska State Patrol

(1) Program No. 189 - Command and Support
GENERAL FUND 5,568,439
PROGRAM TOTAL 5,568,439

Total expenditures for permanent and temporary salaries and per diems shall not exceed $2,355,326.

(2) Program No. 190 - Criminal Investigations
GENERAL FUND 3,135,440
CASH FUND ~~100,000~~ 150,000
PROGRAM TOTAL ~~3,235,440~~ 3,285,440

Total expenditures for permanent and temporary salaries and per diems shall not exceed $2,465,023.

There is hereby appropriated from the General Fund for the period of July 1, 1983, to June 30, 1984, to the Nebraska State Patrol Drug Control Cash Fund a sum which, when added to (1) the balance existing on June 30, 1983, in (a) the Nebraska State Patrol Drug Control Cash Fund, and (b) any special checking account or accounts used by the patrol, and (2) any funds in the possession, on June 30, 1983, of agency personnel involved in drug investigations, will equal one hundred fifty thousand dollars. It is the intent of the Legislature that the Nebraska State Patrol have available a total of one hundred fifty thousand dollars for use in making drug purchases and for payment of investigative expenses.

(3) Program No. 195 - Protection of People and Property

GENERAL FUND 7,831,966
PROGRAM TOTAL 7,831,966

Total expenditures for permanent and temporary salaries and per diems shall not exceed $6,612,383.

For Informational Purposes Only: Total Appropriations to Agency No. 64 and Fund Source
GENERAL FUND 16,535,845
CASH FUND ~~100,000~~ 150,000
AGENCY TOTAL ~~16,635,845~~ 16,685,845
".

2. On page 64, line 16, after the fourth comma insert "58,".

3. Renumber remaining sections accordingly.

Mr. Schmit moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Goodrich requested a roll call vote on the Schmit amendment.

Voting in the affirmative, 25:

Beyer DeCamp Eret Goll Goodrich
Haberman Hannibal Harris Higgins Hoagland
Jacobson Johnson, R. Johnson, V. Lamb Landis
Lundy McDonald Newell Pappas Remmers
Rupp Schmit Sieck Vickers Withem

Voting in the negative, 15:

Barrett Carsten Chronister Hefner Johnson, L.
Kahle Marsh Morehead Nichol Peterson, H.
Scofield Von Minden Wagner Warner Wesely

Present and not voting, 3:

Fenger Kilgarin Peterson, R.

Excused and not voting, 6:

Abboud Beutler Chambers Clark Labedz
Pirsch

The Schmit amendment was adopted with 25 ayes, 15 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. V. Johnson offered the following amendment:
1. Add the following new section:
"Sec. 32. Program 908. The Department of Administrative Services is hereby authorized to renovate space in the State Capitol Building for use by the Legislature. There is hereby appropriated $200,000 from the State Building Fund for the fiscal year ending June 30, 1984, for such renovation. There is hereby appropriated $394,473 from the State Building Fund for the fiscal year ending June 30, 1985 to complete the renovations. Plans for the renovation of legislative space shall be prepared cooperatively by the Department of Administrative Services and the Executive Board of the Legislative Council. No expenditures for actual renovation of space shall begin until the Executive Board of the Legislative Council has approved the plans for renovation."
2. Renumber original sections accordingly.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. V. Johnson requested a record vote on his amendment.

Voting in the affirmative, 14:

Beyer Chronister DeCamp Haberman Higgins
Johnson, R. Johnson, V. Lundy Marsh Nichol
Pappas Schmit Wesely Withem

Voting in the negative, 25:

Carsten Eret Fenger Goll Goodrich
Hannibal Harris Hefner Jacobson Johnson, L.
Kahle Kilgarin Lamb Landis McDonald
Morehead Newell Peterson, H. Peterson, R. Remmers
Scofield Sieck Vickers Von Minden Warner

Present and not voting, 4:

Barrett Hoagland Rupp Wagner

Excused and not voting, 6:

Abboud Beutler Chambers Clark Labedz
Pirsch

The V. Johnson amendment lost with 14 ayes, 25 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2338
(Amendments to the Standing Committee amendments)

1. On page 18, line 2, after the period insert “The certification levels prescribed in this subsection shall be applicable to teachers earning their first Nebraska teaching certificate after the effective date of this act and any teacher with an existing certificate issued pursuant to Title 92, Chapter 21, of the Nebraska Administrative Code as adopted on August 20, 1977, who elect to apply for a stipend payable pursuant to section 15 of this act.”.

2. On page 19, line 7, after “years” insert “. The initial teaching certificate shall replace the prestandard certificate which shall be discontinued as teachers currently eligible for such certification level qualify for new levels of certification”.

3. On page 20, line 20, strike “and” and insert “or”.

4. On page 21, strike beginning with “Before” in line 11 through the period in line 18.

Mr. Vickers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2399
(Amendments to the Standing Committee amendments)

1. On page 13, line 18, after “standard” insert “, which shall include vocational education courses,”.

2. Strike the Haberman amendment adopted

March 1, 1984, found on page 1245 of the Journal.

3. On page 19, line 1, after "section" insert ", if applicable".

4. On page 23, strike beginning with "Any" in line 16 through "(9)" in line 26.

5. On page 26, line 13, strike "basic skills competency examination and a"; in line 15 strike "meet" and insert "has complied with any"; in line 16 strike "requirements" and insert "and equivalent testing requirement"; in line 18 after "located" insert ", except that the State Board of Education may adopt procedures to allow such individuals to teach in approved or accredited schools for a period not to exceed one year prior to taking the examination required by this section".

Mr. Vickers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2400

1. In the Standing Committee amendments, AM2088, on page 4, line 3, strike "year", show as stricken, and insert "term".

2. In the Lamb amendment, AM2127:

a. On page 1, line 2, strike "or at least" and insert "and for both the elementary and high school grades shall not be less than";

b. On page 1, strike beginning with "in" in line 6 through the semicolon in line 8; and

c. On page 1, line 12, strike "or" and insert "and for both the elementary and high school grades shall be not less than".

3. In the Remmers amendment, AM2152, on page 1, line 8, after "grades" insert "and for both the elementary and high school grades shall not be less than one hundred seventy-five days".

Mr. Vickers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2347

(Amendments to the Standing Committee amendments, AM2088)

1. On page 15, line 2, strike "semester"; and in line 14 strike "semester" and strike "mean" and insert "be defined by appropriate rules and regulations of the State Board of Education but shall not be less

than”.

Mr. Vickers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2349
(Amendments to the Standing Committee amendments)

1. On page 16, line 18, after “establish” insert “or designate”.

2. On page 17, line 22, strike “October” and insert “December”.

3. On page 22, line 1, strike “July 31, 1984” and insert “July 1, 1985”; and strike beginning with “the” in line 7 through “act” in line 8 and insert “July 1, 1985”.

Mr. Vickers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2350
(Amendments to the Standing Committee amendments, AM2088)

1. On page 40, after line 4, insert the following new paragraph:

“The school board, board of education, or the governing body of any private, denominational, or parochial school, either individually or cooperatively, or a countywide cooperative of the boards of all school districts in a county may contract with any educational service unit for any services made available by such educational service units pursuant to this act or for supplementary educational services provided pursuant to law prior to the effective date of this act. All costs incurred by a district pursuant to this section shall be subject to the provisions of section 22 of this act. After three years of such contracting, the territory within each school district, cooperative of school districts, or countywide cooperative of school districts shall become part of the educational service unit which has been providing services for such district or cooperative of districts.”.

Mr. Vickers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2344

1. In the Standing Committee amendments:

a. On page 29, line 17, after "Sec. 15." insert "There is hereby created the Nebraska Career Teacher Incentive Fund which shall be administered by the State Department of Education. The Legislature shall appropriate money to the fund to be used for the payment of the stipends prescribed in this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269." and insert paragraphing before "Qualified"; and in line 18 strike "additional"; and

b. On page 33, strike lines 3 through 11.

2. In the E & R amendments, on page 3, line 12, strike "School Foundation and Equalization Fund" and insert "fund"; and in line 21 strike "line 3 and".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 516. Placed on Select File as amended.
E & R amendments to LB 516:
AM5359

1. On page 1, line 1, after "ACT" insert "relating to the State Board of Examiners for Professional Engineers and Architects;" and strike "81-198," and the last comma; strike beginning with "relating" in line 3 through "Architects" in line 5 and insert "and section 81-198, Revised Statutes Supplement, 1983"; in line 6 after the semicolon insert "to rename the board; to eliminate certain provisions relating to architects-in-training;"; in line 8 after "of" insert "certain"; in line 11 after "provide" insert "for"; in line 13 strike "and"; and in line 14 after "sections" insert "; and to declare an emergency".

2. Because of the amendment of section 81-198 by Laws 1983, LB 479, section 7, strike section 1 and insert the following:

"Section 1. That section 81-198, Revised Statutes Supplement, 1983, be amended to read as follows:

81-198. The following agencies, boards, or commissions shall terminate on July 1, 1983:

(1) State Board of Landscape Architects, created by section 81-8,186;

(2) Abstracters Board of Examiners, created by section 76-511;

(3) State Real Estate Commission, created by section 81-885.07;

(4) Nebraska State Board of Public Accountancy, created by section 1-107;

~~(5) State Board of Examiners for Professional Engineers and Architects, created by section 81- 841;~~

~~(6)~~ (5) Nebraska Collection Agency Board, created by section 81-8,160; and

~~(7)~~ (6) State Board of Examiners for Land Surveyors, created by section 81-8,110.".

3. On page 3, line 5; page 24, line 11; and page 25, line 13, strike "said", show as stricken, and insert "such".

4. On page 3, line 1, after "sciences" insert an underscored comma; and in line 8 after "design" insert an underscored comma.

5. On page 5, line 19, strike "State" and show as stricken.

6. On page 6, line 8, after "incompetency" insert an underscored comma; and in lines 22 and 23 strike "will" and insert "shall".

7. On page 7, line 12 after "board" insert ", other than ex officio members,"; and in line 19 after "each" insert "such".

8. On page 8, line 16; page 9, line 3; page 13, line 3; and page 27, line 24, strike "; PROVIDED,"; show as stricken, and insert ", except".

9. On page 9, line 15, after "curriculum" insert an underscored comma; and move the old comma in line 19 to follow "program" in line 21.

10. On page 9, line 21 and page 10, line 6, strike "nationally- recognized" and insert "nationally recognized".

11. On page 10, line 2, after "curriculum" insert an underscored comma; and move the old comma in line 5 to follow "program" in line 7.

12. On page 12, line 27, strike the comma and show as stricken.

13. On page 14, line 6, after "81-840" insert an underscored comma; and in line 21 strike the comma and show as stricken.

14. On page 15, line 12, after "her" insert an underscored comma.

15. On page 22, line 10, after "unrevoked" insert an underscored comma.

16. On page 24, line 5, strike the comma and show as stricken; in line 10 strike "; PROVIDED,", show as stricken, and insert ", if"; in line 26 strike the semicolon, show as stricken, and insert ", and if"; and in line 27 strike "PROVIDED, that" and "a" and show all as stricken.

17. On page 25, line 9, strike "; PROVIDED," show as stricken, and insert ", if"; in line 18 strike "; PROVIDED,", show as stricken, and insert "if"; in line 22 after "mechanics" insert an underscored comma; in line 23 strike the first comma, show as stricken, and insert "or", and strike the second comma; in line 24 after "enlargement" insert an underscored comma; and in line 26 strike "; PROVIDED, that", show as stricken, and insert "if".

18. On page 26, line 14, before "apply" insert "(a)"; in line 15 strike "privately-owned", show as stricken, and insert "privately owned"; in line 24 strike "exceeds" and insert "exceed"; in line 25 before "apply" insert "(b)"; and in line 26 after "reconstruction" insert an underscored comma.

19. On page 27, line 11, strike ", provided", show as stricken, and insert "if".

20. On page 28, line 1, strike "81-198,"; in line 2 strike the first comma; and in line 3 after the second comma insert "and section 81-198, Revised Statutes Supplement, 1983,".

LEGISLATIVE BILL 826. Placed on Select File as amended.
E & R amendment to LB 826:
AM5356

1. On page 1, strike beginning with the second "to" in line 1 through the second semicolon in line 3; in line 4 after "prohibit" insert "certain activities by"; and strike beginning with "from" in line 5 through "section" in line 7.

LEGISLATIVE BILL 975. Placed on Select File as amended.
E & R amendments to LB 975:
AM5353

1. On page 1, line 3, after the last comma insert "and"; and in line 4 strike "and 32-4,152,".
2. On page 3, line 12, after the second "districts" insert an underscored comma.
3. On page 4, line 26 after "that" insert "the".

4. On page 6, line 11, strike the comma.

5. On page 8, line 8, strike "14 of this act" and insert "79- 464"; and in line 14 strike "resource" and insert "resources".

6. On page 11, line 3, strike "the", show as stricken, and insert "a".

7. On page 12, line 11, after "election" insert and underscored comma; in line 16 after "necessary" insert an underscored comma; and in line 21 after "signatures" insert an underscored comma.

8. On page 13, line 12, after "certificates" insert an underscored comma.

9. On page 17, lines 17 and 24, after "board" insert an underscored comma.

10. In the Standing Committee amendments, AM1909, adopted March 2, 1984, on page 2, line 10, strike "ciruclator's" and insert "circulator's"; in line 14 strike "in" and insert "after"; and in line 15 strike "after the period".

LEGISLATIVE BILL 932. Placed on Select File as amended.
E & R amendments to LB 932:
AM5354

1. On page 1, strike beginning with "the" in line 1 through "provisions" in line 10 and insert "budgets; to amend sections 23-923 and 84-304.03, Reissue Revised Statutes of Nebraska, 1943; to authorize a waiver; to require the filing of financial statements; to change requirements for certain budget statements; to provide for minimum standards for certain auditors and persons who conduct audits".

2. On page 17, line 21, strike the first comma.

3. Renumber original sections 7 and 8 as sections 4 and 5 respectively.

LEGISLATIVE BILL 1010. Placed on Select File as amended.
E & R amendments to LB 1010:
AM5357

1. Insert the following new section:

"Section 1. That section 18-2502, Revised Statutes Supplement, 1982, be amended to read as follows:

18-2502. For purposes of sections 18-2501 to 18-2537 and sections 3, 4, and 8 of this act, the definitions in sections 18-2503 to 18-2511 and sections

3 and 4 of this act, unless the context otherwise requires, shall apply.”.

2. On page 1, line 2, and page 22, line 2, after “sections” insert “18-2502,”.

3. On page 1, line 16, after the second semicolon insert “to harmonize provisions;”.

4. On page 7, line 2, after “18- 2537” insert “, sections 3 and 4 of this act,”.

5. On page 10, lines 10, 17, and 24, and page 12, lines 8 and 17, after “18-2537” insert “and sections 3, 4, and 8 of this act”.

6. On page 15, line 1 after “obligations” insert an underscored comma.

7. On page 21, line 24, after “18-2531” insert “and sections 3, 4, and 8 of this act”.

8. Renumber remaining sections accordingly.

LEGISLATIVE BILL 925. Placed on Select File as amended.
E & R amendments to LB 925:
AM5358

1. In the Standing Committee amendments, AM1964, adopted March 2, 1984:

a. On page 2, line 21, strike “10” and insert “11” and strike “facilities” and insert “law”; in line 22 after the quotation marks insert an underscored comma; and in line 23 after “in” insert “this” and strike “1 of this act”;

b. On page 3, line 6 after “clerk” insert “of the county”; and in line 7 strike “whose” and insert “the” and after “jurisdiction” insert “of which”;

c. On page 4, line 5, strike “embody” and insert “incorporate”; in line 17 after the first “the” insert “first” and strike “next”; in line 19 strike “or” and insert “and”, and strike “eight year” and insert “eight- year”; and in line 21 strike “cost” and insert “expense”; and

d. On page 5, line 3, strike “reoccurring” and insert “recurring”; and in line 10 strike “whose” and insert “the” and after “jurisdiction” insert “of which”.

2. On page 1, strike beginning with “counties” in line 6 through “sewers” in line 8 and insert “certain contracts”; and in line 13 after the semicolon insert “to change provisions relating to general obligation bonds;”.

3. On page 10, line 6, after “department”

insert "for the political subdivision"; in line 7 strike "whose" and insert "the" and after "jurisdiction" insert "of which"; and in line 16 after "31-780" insert "and sections 6 to 14 of this act".

4. On page 12, line 3, strike "purpose" and insert "purposes"; in line 5, strike "that" and insert "the"; in line 19 strike "proposal" and insert "proposed"; and in line 20 after "improvements" insert an underscored comma.

5. On page 20, line 5, strike the period, show as stricken, and insert "; or".

LEGISLATIVE BILL 936. Placed on Select File as amended.
E & R amendments to LB 936:
AM5360

1. On page 1, strike beginning with "create" in line 4 through "grant" in line 5 and insert "provide for technical analysis study grants".

2. Because of the Standing Committee amendment, AM1966, adopted March 2, 1984, on page 3, line 6, strike "(3)" and insert "(4)"; in line 26 strike "(4)" and reinstate "~~(3)~~"; and move lines 6 through 25 and all amendments thereto to page 4, after line 6.

LEGISLATIVE BILL 714. Placed on Select File as amended.
E & R amendments to LB 714:
AM5361

1. On page 1, line 4, after the first semicolon insert "to authorize certain price changes;".

2. On page 2, line 10, strike the second comma; and in line 17 strike "and", show as stricken, and insert an underscored comma, and after "beer," insert "and brandy,".

3. In the Standing Committee amendments, AM1989, adopted March 2, 1984, on page 1, line 3 after "brandy" insert an underscored comma.

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Public Works

Governor Appointment Wed., March 21, 1984 1:15 p.m. (Cancelled)
Blase Cupich - Board of Public Roads Classification & Standards
Gov. Appointment Thur., March 22, 1984 1:00 p.m. (Rescheduled)
Blase Cupich - Board of Public Roads Classification & Standards

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 882. Title read. Considered.

Standing Committee amendments, AM2305, found in the Journal on page 1383 for the Fortieth Day were adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1128. Title read. Considered.

Mr. Warner renewed his pending amendment, AM2386, found in the Journal on page 1508.

The Warner amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Warner renewed his pending amendment, AM2388, found in the Journal on page 1510.

Mr. DeCamp requested a record vote on the Warner amendment.

Voting in the affirmative, 29:

Barrett	Beyer	Carsten	Chronister	Goll
Goodrich	Haberman	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Kahle	Landis	Lundy
Marsh	McDonald	Morehead	Nichol	Peterson, H.
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Wagner	Warner	Wesely	

Voting in the negative, 5:

DeCamp	Hannibal	Kilgarin	Von Minden	Withem

Present and not voting, 9:

Eret	Fenger	Harris	Johnson, R.	Johnson, V.
Lamb	Newell	Pappas	Peterson, R.	

Excused and not voting, 6:

Abboud Beutler Chambers Clark Labedz
Pirsch

The Warner amendment was adopted with 29 ayes, 5 nays, 9 present and not voting, and 6 excused and not voting.

Pending.

MESSAGE FROM THE GOVERNOR

March 12, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This letter is written to establish what I believe is a reasonable plan in regards to this state's budget for Fiscal Year 1984-85. It is a plan which accomplishes two difficult and actively debated objectives:

1. It establishes a budget which is affordable by our citizens.
2. It distributes the expenditures so as to provide individual opportunity for all Nebraskans in the present and in a rapidly changing future.

It is a plan, moreover, which begins with the exceptional work of this Legislature's Appropriations Committee under the leadership of Senator Warner. With the $9,980,958 of spending reductions contained in their amendments, the level of recommended appropriation will be $814,091,320. I strongly urge this Legislature to advance this appropriation bill with those amendments.

It is a plan which attempts to answer the question of affordability in the following way. When I originally proposed a budget in January, I indicated that I believed we could afford $805,983,233 of base level appropriations including health insurance. I also recommended spending $42,607,188 for the purpose of enhancing education, water, and economic development, and for accelerating the takeover of Medicaid.

Today, based upon the general decline predicted in receipts and the specific reduction likely as a result of the franchise tax and the unitary tax decisions of the Nebraska Supreme Court, I no longer believe a spending level of $848,590,421 is affordable.

In addition, in January I recommended a 3% reserve. Today I believe a 5% reserve is necessary in order to be prudent in unpredictable economic times.

I believe that an overall spending amount of $818,000,000 with a 5% reserve is both affordable and prudent. We can achieve most of what Nebraskans want to accomplish next year with this expenditure level, and we can achieve it with a 19% income tax and 3 1/2% sales tax rate.

Several other things must occur to achieve this result:

1. I must line item veto the budget back to under $800 million dollars. I pledge to you I will make the difficult judgments needed to make these further reductions and will accept full responsibility for the actions taken.

2. This Legislature must enact at the level recommended by the Appropriations Committee:

LB 873 - The Driver's License Abstract Fee Increase
LB 811 - The Motor Vehicle Registration Fee Increase
LB 694 - The Drivers License Renewal Bill
LB 941 - The Alcohol Tax Increase
LB 827 - The Increase in DPI Charges for Institutional Care
LB 1127 - The Revision of Social Security Disability Payments

Failure to act on all of these items will add $9,981,373 to the tax revenue needed for this state's business.

3. This Legislature must enact LB 1124. We do not need and cannot afford an interim study. We are simply attempting to reestablish a unitary tax system that we had previously decided was fair, but which the court ruled invalid because of a technical problem in the statute. We have and will continue to work with affected corporations to achieve a reasonable solution.

But rest assured that even an interim study would not make everyone happy. There would still be people raising a "red flag" and saying we are anti-corporation and anti-development. We are neither. Passage of LB 1124 is consistent with our shared goal of tax fairness and equity.

Failure to pass LB 1124 will mean we will have to raise at least $5 million and probably $10 million of additional taxes from Nebraskans.

If we take those difficult and in most cases selectively unpopular actions, we will have available $18,000,000 to spend in ways consistent with the future needs of Nebraska. I propose the following allocation:

Funding for LB 994, including $10 million for teachers' stipends	$11,499,500
Water Development Fund in LB 1106	4,000,000
Economic Development Budget Proposals found in LB 1125 and LB 1126	730,000
Total	$16,229,500

This leaves slightly less than $2,000,000 for additional "A" Bills, as decided by this body.

This obviously does not provide as much for teachers' salaries as I had originally wanted. I remain passionately convinced that teachers; salaries must be raised and believe the goal of upper 10% in the nation is both reasonable and consistent with our high individual aspirations.

I intend to continue to take this argument to the people of this state, to sell the need to spend the $270 million it will take to reach this goal.

However, there does not appear to be the consensus necessary: among Nebraskans, their representatives, and the educational organizations to achieve the action needed this year. Moreover, the other revenue problems cited earlier have not made the task easier.

In short, I urge you to pass the needed reform in LB 994 and provide only the increases in education programs listed above.

There has been much debate about the need to provide property tax relief. I share your concern for attempting to reduce the proportion of the costs of government paid for with property taxes. This is a worthwhile and desirable goal; one made more complex by the recent Kearney Holiday Inn decision.

I urge you to continue these discussions as you have in the past, with an eye toward all factors and conditions in our economy. Do not ignore the state's difficulty funding its programs in light of our depressed agricultural economy. Do not ignore the Supreme Court's decisions on the unitary and franchise taxes which also impair our ability to generate needed revenues.

Further, we cannot ignore the tendency to say yes to all attempts to narrow the tax base. In the past, we have often used deductions and exemptions in our tax laws for economic and social good. I have yet to hear a proposal of this kind that did not in isolation "make sense."

Unfortunately, it is much more difficult to broaden the base of our taxing authority. Once we have exempted someone they are exempt forever. This makes it more difficult for those who are not exempt to pay for government. It also makes such things as property tax relief more difficult. I urge you in joining me in both resisting further narrowing and in judiciously exploring for fair and reasonable ways for expansion authority.

Finally, there is the question of the Commonwealth law suits. The State Claims Board has acted. The courts will soon act.

Contrary to the characterization by some, the proposal advanced by the State Claims Board to settle the Commonwealth matter is not a "bail out." It is simply a plan to satisfy the potential legal liability of the state in a manner which minimizes, over time, the cost to the state.

The policy decision for us is simple. Do we ignore the problem at this point, risking a determination of legal liability at a time when we will have lost any opportunity to fashion a settlement which minimizes the loss to the state?

Or, do we seize the opportunity now, as the State Claims Board and the Receiver have done, to fashion an innovative and creative solution which satisfies the legal liability while minimizing or even eliminating the ultimate cost to the state? I say we should follow this latter course.

It is extremely important that we separate the decision on the Commonwealth Plan from other budgetary questions. It is true that the initial costs of the Plan will require a tax increase, but the outlay will be made on a one-time basis only and will not affect the continuing budgetary obligations for future years.

If we lump this decision in with other budgetary issues, we will be making a serious mistake. First of all, we will impair our ability to clearly make and effectively defend decisions regarding the use of tax dollars for other efforts. Secondly, we will make it more difficult to see the Commonwealth decision in its correct light: opportunity to meet a high risk of legal liability with minimal ultimate costs to the state in a manner which restores the public's confidence in state government and our financial institutions.

Again let me compliment the Appropriations Committee for its work. Given the number of distractions this year, your efforts have been exceptional. They are a tribute to all of you.

And to the entire body, this is a confusing budget year. I respectfully urge you to consider the plan which I have today outlined.

Sincerely,
(Signed) ROBERT KERREY
Governor

GENERAL FILE

LEGISLATIVE BILL 1128. Mr. Warner renewed his pending amendment, AM2387, found in the Journal on page 1511.

The Warner amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1129. Title read. Considered.

Mr. Warner renewed his pending amendment, AM2389, found in the Journal on page 1511.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Mr. Newell offered the following amendment:
1. Strike Section 32

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Beyer
DeCamp
Eret
Haberman
Hannibal
Higgins
Jacobson
Johnson, R.
Johnson, V.
Lamb
Newell
Pappas
Rupp
Schmit
Vickers
Withem

Voting in the negative, 24:

Carsten
Chronister
Fenger
Goll
Goodrich
Harris
Hefner
Hoagland
Johnson, L.
Kahle
Kilgarin
Landis
Lundy
Marsh
McDonald
Morehead
Nichol
Peterson, H.
Peterson, R.
Remmers
Sieck
Wagner
Warner
Wesely

Present and not voting, 2:

Scofield
Von Minden

Excused and not voting, 7:

Abboud
Barrett
Beutler
Chambers
Clark
Labedz
Pirsch

The Newell amendment lost with 16 ayes, 24 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

MR. KAHLE PRESIDING

Mr. V. Johnson offered the following amendment:
1. On page 16, after line 14, add the following new section:

"Sec. 34. Program 908. The Department of Administrative Services is hereby authorized to renovate space in the State Capitol Building for use by the Legislature. There is hereby appropriated $594,473 from the State Building Fund for the fiscal year ending June 30, 1985, for such renovation. Plans for the renovation of legislative space shall be prepared cooperatively by the Department of Administrative Services and the Executive Board of the Legislative Council. No expenditures for actual renovation of space shall begin until the Executive Board of

the Legislative Council has approved the plans for renovation."
2. Renumber original sections accordingly.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Beutler Beyer Carsten Chronister DeCamp
Eret Haberman Hannibal Higgins Hoagland
Johnson, R. Johnson, V. Kilgarin Lundy Marsh
McDonald Newell Nichol Pappas Rupp
Schmit Sieck Wagner Wesely Withem

Voting in the negative, 18:

Fenger Goll Goodrich Harris Hefner
Jacobson Johnson, L. Kahle Lamb Landis
Morehead Peterson, H. Peterson, R. Remmers Scofield
Vickers Von Minden Warner

Excused and not voting, 6:

Abboud Barrett Chambers Clark Labedz
Pirsch

The V. Johnson amendment was adopted with 25 ayes, 18 nays, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Newell offered the following amendment:
To amend Section to add $1,000,000 for construction of preforming Arts Center for fiscal year 1984-85.

Messrs. Pappas, R. Peterson, R. Johnson, Carsten, Haberman, Vickers, and Sieck asked unanimous consent to be excused until they return. No objections. So ordered.

The Newell amendment lost with 1 aye, 22 nays, 13 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 9 present and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 744

Mr. Hoagland asked unanimous consent to expedite LB 744. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 920. Placed on Select File as amended.
E & R amendments to LB 920:
AM5370

1. On page 1, line 6, after the second comma insert "and" and strike "and 32-1241,"; in lines 8 and 10 after "disabled" insert "and confined"; and in line 13 after the semicolon insert "to provide an operative date;".

2. On page 2, line 2, strike "and" and after the last comma insert "and 32-1241,".

3. On page 4, line 5, strike "(g)" and insert "(e)".

4. On page 5, line 6, strike "(g)" and insert "(e)".

5. On page 7, line 12, after the third comma insert "or"; and in line 21 strike "(g)" and insert "(e)", and after the second "section" insert "4 or".

6. On page 9, line 8, after the first "official" insert "or employee"; and in line 25 strike "or confined".

7. On page 10, line 2, strike "and confined"; and in line 14 after "ballot" insert an underscored comma.

8. On page 11, lines 24 and 27, strike "and confined"; and in line 26 after "mail" insert an underscored comma.

9. On page 12, lines 5, 10, 15, and 22; page 13, line 5; page 14, lines 12, 21, and 26; and page 17, lines 7 and 11, strike "and confined".

10. On page 13, line 14, strike "and"; in line 15 strike "confined"; and in line 21 after "box" insert an underscored comma.

11. On page 14, line 22; and page 17, line 12, strike the comma.

12. On page 15, line 23, strike the comma and the second "ledger".

13. On page 25, lines 8 and 19, strike "or confined" and show as stricken; in line 18 strike

beginning with "or" through "day" and show the old matter as stricken; in line 21 strike "or section 32-1241" and show the old matter as stricken; and in line 24 strike "and confined" and show as stricken.

14. On page 26, line 1, strike "and confined" and show as stricken.

15. On page 27, line 18, strike "and" and show as stricken; in line 19 strike "confined" and show as stricken; and in line 20 strike beginning with "Chapter" through "12", show as stricken, and insert "the Absentee Voters Act".

16. On page 28, line 14, strike the first comma and show as stricken, and after "or" insert an underscored comma.

17. Strike original section 41.

18. On page 38, line 26, strike "and confined" and show as stricken.

19. On page 39, line 13, strike "and" and show as stricken; and in line 14 strike the new matter, reinstate the stricken matter, and strike "confined" and show as stricken.

20. On page 45, line 26, after "removed" insert an underscored comma.

21. On page 46, lines 10 and 14, strike "and confined" and show as stricken.

22. On page 48, line 5, strike "and confined" and show as stricken; in line 20 after the last comma insert "and"; and in line 21 strike "and 32-1241,".

23. Renumber sections accordingly.

LEGISLATIVE BILL 1058. Placed on Select File.

LEGISLATIVE BILL 751. Placed on Select File as amended.
E & R amendments to LB 751:
AM5371

1. On page 1, line 3, strike "84-1315" and insert "84-1320"; in line 5 strike "and"; in line 6 after the first comma insert "and 84-1503,"; and in line 11 after the first semicolon insert "to provide duties for the Public Employees Retirement Board;".

2. On page 12, strike beginning with "sCMH" in line 24 through the period in line 25.

3. In the Standing Committee amendments, AM1852, on page 991 of the Journal:

a. On page 7, line 10, strike "7" and insert "8"; and

b. On page 15, line 16, strike the first "section" and insert "sections 8 and" and strike the second "section" and insert "sections 7 and"; and in line 17 after "14" insert ", respectively".

LEGISLATIVE BILL 971. Placed on Select File.

LEGISLATIVE BILL 800. Placed on Select File as amended.
E & R amendments to LB 800:
AM5362

1. In the Standing Committee amendments, AM1996, on page 1, line 1, strike the second "1" and insert "2".

2. On page 1, line 1, strike "the".

(Signed) Rod Johnson, Chairperson

VISITORS

Visitors to the Chamber were Mr. Larry Hansen, Mr. Gene Jones, and Mr. Arden Ham from Benkelman.

RECESS

At 12:06 p.m., on a motion by Mrs. Marsh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Clark who was excused; and Messrs. Haberman, Harris, Hoagland, Newell, Wagner, Mesdames Higgins, Labedz, Pirsch, and Miss Kilgarin who were excused until they arrive.

UNANIMOUS CONSENT - Expunge Request to Expedite LB 744

Mr. DeCamp asked unanimous consent to expunge the request to expedite LB 744.

Mr. Wesely objected.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1095 and 1098.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 1095

The following changes, required to be reported for publication in the Journal, have been made:
ER0182

1. On page 2, line 9, "a" has been inserted after "carrying"; in line 10 "weapons" has been struck, shown as stricken, and "weapon" inserted; and in line 18 "a" has been inserted after "Carrying" and "weapons" has been struck, shown as stricken, and "weapon" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Speaker Nichol asked unanimous consent to print the following in the Journal. No objections. So ordered.

CHADRON STATE COLLEGE
Chadron, Nebraska

RESOLUTION TO WITHDRAW FUNDS

WHEREAS, Section 3.10 of Article III of the Student Fees and Facilities Revenue Bonds, Series of 1965, Resolution dated January 1, 1965, states that the Board may expend funds from the Chadron State College Surplus Fund for purposes of "making any extraordinary repairs, renewals, replacements, renovations, equippings and furnishings to the Facilities," and,

WHEREAS, certain repairs, remodeling and furnishings are required in the revenue bond facilities at Chadron State College in order to maintain the maximum use and occupancy of the facilities, and,

WHEREAS, there is on deposit with Norwest Capital Management & Trust Company of Nebraska, Omaha, Nebraska, Trustee, as of December 31, 1983, $384,727.22 in the Surplus Fund, therefore,

BE IT RESOLVED that the Board of Trustees of the Nebraska State Colleges, in compliance with Section 3.10 of Article III of the Resolution dated January 1, 1965, does and hereby directs Norwest

Capital Management & Trust Company of Nebraska, Omaha, Nebraska, to pay appropriate orders out of the Series 1965 Surplus Fund for the following:

High Rise - Heat Sensors	$10,500
Kent Hall - Replace Roof	$55,000
	$65,500

CERTIFICATE

I, the undersigned, Richard Bringelson, being duly appointed Secretary of the Board of Trustees of the Nebraska State Colleges, hereby certify that the foregoing Resolution was adopted in a regularly called meeting of February 3, 1984.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 3rd day of February, 1984.

(Signed) Richard Bringelson

KEARNEY STATE COLLEGE
Kearney, Nebraska

RESOLUTION TO WITHDRAW FUNDS

WHEREAS, Section 3.10 of Article III of the Student Fees and Facilities Revenue Bonds, Series of 1966, Resolution dated June 15, 1966, states that the Board may expend funds from the Kearney State College Surplus Fund "to make any extraordinary repairs, renewals, replacements, renovations, equippings and furnishings to the Facilities," and,

WHEREAS, certain repairs, remodeling, and furnishings are required in the revenue bond facilities at Kearney State College in order to maintain the maximum use and occupancy of the facilities, and,

WHEREAS, there is on deposit with Norwest Capital Management & Trust Company of Nebraska, Omaha, Nebraska, Trustee, as of December 31, 1983, the amount of $1,611,213.04 in the Series 1966 Surplus Fund, therefore,

BE IT RESOLVED that the Board of Trustees of the Nebraska State Colleges, in compliance with Section 3.10 of Article III of the Resolution dated June 15, 1966, does and hereby directs Norwest Capital Management & Trust Company of Nebraska, Omaha, Nebraska, to pay appropriate orders out of the Series 1966 Surplus Fund for the following:

CTE & CTW - Fire Alarm System	$ 19,400
CTE - Roof Replacement	$ 72,000
Case Hall - Roof Replacement	$ 36,500
Mantor Hall - Lounge Furnishings	$ 35,000

Property Purchase for Parking	$ 55,000
	$217,900

CERTIFICATE

I, the undersigned, Richard Bringelson, being duly appointed acting Secretary of the Board of Trustees of the Nebraska State Colleges, hereby certify that the foregoing Resolution was adopted in a regularly called meeting on February 3, 1984.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 3rd day of February, 1984.

(Signed) Richard Bringelson

PERU STATE COLLEGE
Peru, Nebraska

RESOLUTION TO WITHDRAW FUNDS

WHEREAS, Section 3.10 of Article III of the Student Fees and Facilities Revenue Bonds, Series of 1964, Resolution dated November 1, 1964, states that the Board may expend funds from the Peru State College Surplus Fund for the purposes of "making any extraordinary repairs, renewals, replacement, renovations, equippings, and furnishings to the Facilities," and,

WHEREAS, certain repairs, remodeling, and furnishings are required in the revenue bond facilities at Peru State College in order to maintain the maximum use and occupancy of the facilities, and,

WHEREAS, there is on deposit with Norwest Capital Management & Trust Company of Nebraska, Omaha, Nebraska, Trustee, as of December 31, 1983, a balance of $234,193.52 in the Surplus Fund, therefore,

BE IT RESOLVED that the Board of Trustees of the Nebraska State Colleges, in compliance with Section 3.10 of Article III of the Resolution dated November 1, 1964, does and hereby directs Norwest Capital Management & Trust Company of Nebraska, Omaha, Nebraska, to pay appropriate orders out of the Surplus Fund for the following:

Morgan Hall - Repair Roof Gutter	$15,000
Student Center - Replace Roof	$50,000
	$65,000

CERTIFICATE

I, the undersigned, Richard Bringelson, being duly appointed acting Secretary of the Board of Trustees of the Nebraska State Colleges, hereby certify that the foregoing Resolution was adopted in a regularly called meeting of February 3, 1984.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 3rd day of February, 1984.

(Signed) Richard Bringelson

WAYNE STATE COLLEGE
Wayne, Nebraska

RESOLUTION TO WITHDRAW FUNDS

WHEREAS, Section 3.9 of Article III of the Refunding Revenue Bonds of Wayne State College, Series of 1963, Resolution dated February 28, 1963, states that: "The Board may expend funds from the Contingency Maintenance Fund for the purposes of making any extraordinary repairs, renewals, replacements, renovations, equippings, and furnishings to the Facilities," and,

WHEREAS, certain repairs, remodeling and furnishings are required in the revenue bond facilities at Wayne State College in order to maintain the maximum use and occupancy of the facilities, and,

WHEREAS, there is on deposit with Norwest Capital Management and Trust Company of Nebraska, Omaha, Nebraska, Trustee, as of January 31, 1984, a balance of $243,032.00 in the Contingency Maintenance Fund.

THEREFORE BE IT RESOLVED, that the Board of Trustees of the Nebraska State Colleges, in compliance with Section 3.9 of Article III of the resolution dated February 28, 1963, does and hereby directs Norwest Capital Management and Trust Company of Nebraska, Omaha, Nebraska, Trustee, to pay appropriate orders out of the Series 1963 Contingency Maintenance Fund for the following:

Bowen, Student Center - Energy Conservation Natatorium, Terrace Hall Measures	$ 57,144
Student Center - Replace Roof	$ 40,000
Bowen Hall - Exterior Doors	$ 11,000
Bowen Hall - Stone Joint Repair	$ 32,500
Pile Hall - Room Furniture	$ 20,400
	$161,044

CERTIFICATE

I, the undersigned, Richard Bringelson, being duly appointed Secretary to the Board of Trustees of the Nebraska State Colleges, hereby certify that the forgoing Resolution was adopted in a regularly called meeting of February 3, 1984.

IN WITNESS WHEREOF, I have hereunto affixed my signature this

3rd day of February, 1984.

(Signed) Richard Bringelson

Mr. Beyer asked unanimous consent to print the following amendment to LB 1128 in the Journal. No objections. So ordered.

On page 93, in line 16 and 17, strike "6,249,370" and insert "6,289,730"; in line 19, strike "2,494,536" and insert "2,531,906"; in line 21, strike "3,408,856" and insert "3,497,901"; in line 23, strike "3,518,856" and insert "3,607,901"; in line 25, strike "2,560,631" and insert "2,643,081". On page 94, in line 27 and on page 95 in line 1, strike "8,494,641" and insert "8,821,801". On page 95, in line 3, strike "6,989,124" and insert "7,292,049"; after line 3, insert the following paragraph:

> "There is hereby included in this appropriation $456,565 to provide for a $1,000 salary increase to sworn officers of the Nebraska State Patrol. It is the intent of the Legislature that these funds shall not be used for any other purpose. An employee shall not receive the full pay increase if such increase takes him or her over the maximum rate for his or her salary grade in effect on July 1, 1984."

On page 95, in line 6, strike "18,152,867" and insert "18,609,432"; in line 8, strike "18,262,867" and insert "18,719,432".

REPORT OF EMPLOYEES

TO: Patrick O'Donnell, Clerk of the Legislature
FROM: Laura Ashelford, Legislative Accountant
RE: Session Employee Expense

During the month of February, 1984, 149 full and part-time Senators session employees and temporary session employees were paid a total of $121,191.85. Of this amount $538.86 was overtime.

Detailed information is on file in the Accounting and Budgeting Office.

GENERAL FILE

LEGISLATIVE BILL 825A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 906A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 970A. Title read. Considered.

Mr. Vickers offered the following amendment:
1. On page 2, line 2, strike "50,830" and insert "32,691" and strike "2,250" and insert "2,475"; in line 4, strike "63,078" and insert "64,713" and strike "10,125" and insert "11,137"; in line 12, strike "31,320" and insert "15,682"; in line 13, strike "50,739" and insert "50,808"; in line 16, strike "84,256" and insert "24,579" and strike "10,125" and insert "4,950"; in line 18, strike "93,244" and insert "47,043" and strike "22,500" and insert "12,375"; in line 26, strike "64,938" and insert "17,367"; in line 27, strike "74,300" and insert "37,513".
2. On page 3, line 3, strike "57,122" and insert "38,801" and strike "4,500" and insert "4,950"; in line 5, strike "51,745" and insert "51,871" and strike "6,750" and insert "7,425"; in line 12, strike "36,416" and insert "20,612"; in line 13, strike "39,330" and insert "39,384"; in line 18, strike "115,243" and insert "57,622".

The Vickers amendment was adopted with 25 ayes, 8 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment:
PURPOSE: To provide for an MBA program at Kearney State College.
AMENDMENT:

On page 2, strike section 1; in line 16, strike "84,256" and insert "24,579" and strike "10,125" and insert "4,950"; in line 18, strike "93,244" and insert "47,043" and strike "22,500" and insert "12,375"; in line 26, strike "64,938" and insert "17,367"; in line 27, strike "74,300" and insert "37,513".

On page 3, strike section 3; in line 18, strike "115,243" and insert "57,622".

MR. V. JOHNSON PRESIDING

The Warner amendment lost with 13 ayes, 18 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 994A. Title read. Considered.

Mr. Vickers offered the following amendment:

On page 2 in line 2 strike "716,550" and insert "400,000". Strike beginning with "$2,100,000" in line 14 through "(2)" in line 15. Strike beginning with "$1,025,000" in line 23 through "(2)" in line 24.

On page 3 in line 8 strike "21,108,450" and insert "11,049,500". In line 27 strike "20,058,950" and insert "10,000,000".

On page 4 in line 1 strike "20,058,950" and insert "10,000,000".

Mr. Lamb offered the following amendment to the Vickers amendment:

on lines 5 and 6 strike "$10,000,000" and insert "0"

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Lamb moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud	Beyer	Carsten	DeCamp	Fenger
Haberman	Hannibal	Hefner	Jacobson	Kahle
Lamb	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	Sieck
Von Minden	Wagner			

Voting in the negative, 17:

Beutler	Eret	Goll	Goodrich	Harris
Higgins	Hoagland	Johnson, R.	Johnson, V.	Kilgarin
Landis	Marsh	McDonald	Scofield	Vickers
Wesely	Withem			

Present and not voting, 7:

Barrett	Chambers	Chronister	Johnson, L.	Lundy
Schmit	Warner			

Excused and not voting, 3:

Clark	Labedz	Pirsch

The Lamb amendment lost with 22 ayes, 17 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Barrett	Beutler	Chronister	Eret	Goll
Goodrich	Haberman	Harris	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kilgarin
Landis	Marsh	McDonald	Pappas	Peterson, H.
Rupp	Schmit	Scofield	Vickers	Wagner
Wesely	Withem			

Voting in the negative, 12:

Abboud	Beyer	Carsten	Hefner	Kahle
Lamb	Morehead	Newell	Nichol	Remmers
Sieck	Von Minden			

Present and not voting, 6:

Chambers	Fenger	Hannibal	Lundy	Peterson, R.
Warner				

Excused and not voting, 4:

Clark	DeCamp	Labedz	Pirsch

The Vickers amendment was adopted with 27 ayes, 12 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Newell offered the following amendment:
AM2433

1. On page 2, line 2, strike "716,550" and insert "400,000".
2. Strike original sections 2 and 3.
3. On page 3, line 8, strike "21,108,450" and insert "1,049,500"; and strike lines 26 and 27.

4. On page 4, strike line 1.
5. Renumber remaining sections accordingly.

Mr. Newell moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud Carsten Fenger Hannibal Hefner
Johnson, V. Kahle Lamb Morehead Newell
Nichol Pappas Peterson, R. Remmers Rupp
Sieck Von Minden Wagner

Voting in the negative, 21:

Barrett Beutler Chronister Eret Goll
Goodrich Haberman Harris Higgins Hoagland
Johnson, L. Johnson, R. Kilgarin Landis Marsh
McDonald Peterson, H. Scofield Vickers Wesely
Withem

Present and not voting, 6:

Beyer Chambers Jacobson Lundy Schmit
Warner

Excused and not voting, 4:

Clark DeCamp Labedz Pirsch

The Newell amendment lost with 18 ayes, 21 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Newell moved to indefinitely postpone LB 994A.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell asked unanimous consent to withdraw his pending motion to indefinitely postpone LB 994A. No objections. So ordered.

Mr. Schmit asked unanimous consent to be excused until he returns. No

objections. So ordered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Newell requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Barrett
Beutler
Carsten
Chronister
Eret
Goll
Goodrich
Haberman
Harris
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kilgarin
Landis
Marsh
McDonald
Morehead
Pappas
Peterson, H.
Rupp
Scofield
Vickers
Wesely
Withem

Voting in the negative, 14:

Abboud
Beyer
Chambers
Fenger
Hannibal
Hefner
Kahle
Lamb
Newell
Nichol
Remmers
Sieck
Von Minden
Wagner

Present and not voting, 3:

Lundy
Peterson, R.
Warner

Excused and not voting, 5:

Clark
DeCamp
Labedz
Pirsch
Schmit

Advanced to E & R for Review with 27 ayes, 14 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Messrs. Barrett and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

On p. 11, line 7, after "examination" insert "designated by the Board of Education,"

Mr. Beutler asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

On p. 11, line 3, strike “an adequate” and insert “a”. On line 4 strike “based on the” and insert “equal to or exceeding both the” and strike “or” and insert “and”. Pluralize “score” and “rating” on lines 4 and 5. On line 5 strike “, whichever is greater,”.

Mr. Beutler asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

On p. 11, line 10, after the word “evaluation” insert “which may include requirements for formal education.” Strike “which” through “Education.” on line 10-11 and insert, “The Board of Education shall establish such methods of evaluation.”

Mr. Wesely asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

AM2406
(Amendments to Standing Committee amendments)

1. Strike section 33 and insert the following new section:

“Sec. 33. If an instream appropriation is approved, the Director of Water Resources may place a condition on the permit requiring a review of the continuation of the permit as an instream appropriation after a specified period of time.”.

RESOLUTIONS

LEGISLATIVE RESOLUTION 288.

Introduced by Hefner, 19th District.

WHEREAS, the sport of basketball serves as an important, significant, and integral part of high school education in this state; and

WHEREAS, the state basketball tournaments are an annual celebration and recognition of athletic excellence in this state; and

WHEREAS, it requires great endurance and dedication by a high school basketball team to complete a successful season; and

WHEREAS, the Hartington Cedar Catholic Trojans boys basketball team advanced to the finals in its class and emerged as the Class B boys state basketball champion for the 1984 season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

SECOND SESSION:

1. That the Legislature congratulates the Hartington Cedar Catholic Trojans boys basketball team for its victories and Class B state championship.

2. That a copy of this resolution be sent to Coach Bob Uhing and the Hartington Cedar Catholic Trojans.

Laid over.

LEGISLATIVE RESOLUTION 289.

Introduced by R. Peterson, 21st District.

WHEREAS, the Battle Creek girls basketball team finished their season with a record of 24-0 and by capturing the Class C-1 state basketball championship; and

WHEREAS, winning a state championship takes hard work, dedication, discipline, and spirit; and

WHEREAS, the Battle Creek Bravettes and Coach Robert Schnitzler demonstrated the spirit and struggle necessary to win a state championship; and

WHEREAS, this accomplishment deserves special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends and congratulates Coach Robert Schnitzler and the Battle Creek Bravettes on their championship.

2. That a copy of this resolution be sent to Coach Schnitzler and the Battle Creek girls basketball team.

Laid over.

LEGISLATIVE RESOLUTION 290.

Introduced by R. Peterson, 21st District.

WHEREAS, the Madison High School boys basketball team finished the season with an outstanding 24-2 record and captured the Class C-1 state basketball championship; and

WHEREAS, by winning the championship the Madison High School boys basketball team presented Coach Fred Letheby with his five hundred fifteenth victory; and

WHEREAS, Coach Letheby and his team represent the struggle, hard work, discipline, and teamwork necessary to achieve such an outstanding record; and

WHEREAS, this accomplishment serves as an example to all teams which work together to achieve a common goal.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends and congratulates Coach Fred Letheby and the Madison High School boys basketball team on their state championship and great season.

2. That a copy of this resolution be presented to Coach Letheby and the Madison High School boys basketball team.

Laid over.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 678. Placed on General File.

LEGISLATIVE BILL 667. Placed on General File as amended.
Standing Committee amendments to LB 667:
AM2370

1. On page 2, line 2, after the second "is" insert "sentenced to probation and"; in line 4 after "facility" insert "as a term of probation" and strike "as a term of probation,"; in line 5 after "hearing" insert "which may be held at the time of sentencing"; strike beginning with "The" in line 11 through the period in line 12; and strike beginning with "before" in line 12 through "hearing" in line 13 and insert "as part of the presentence investigation".

2. On page 3, line 3, strike "The" and insert "If the" and strike "shall order that" and insert "orders reimbursement,"; in line 4 after "payments" insert "shall"; and in line 23 after "court" insert "and to the victim or victims, if any,".

3. On page 4, lines 12 and 13, strike "ordinance" and insert "resolution"; and strike lines 19 through 26.

LEGISLATIVE BILL 757. Placed on General File as amended.
Standing Committee amendments to LB 757:
AM2377

1. Insert new sections as follows:

"Sec. 2. That section 76-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1005. (1) A power of sale may be conferred upon the trustee which the trustee may exercise and under which the trust property may be sold in the manner provided in sections 76-1001 to 76-1018 after a breach of an obligation for which the trust property is conveyed as security; or~~,~~ at the option of the beneficiary~~,~~ a trust deed may be foreclosed in the manner provided by law for the foreclosure of mortgages on real property. The power of sale must be expressly provided for in the trust deed.

(2) Prior to the execution of any trust deed which confers a power of sale to the trustee, the beneficiary shall obtain a written acknowledgement from the trustor stating that the trustor understands that (a) the document to be executed is a trust deed and not a mortgage and (b) the power of sale provided for in the trust deed provides substantially different rights and obligations to the trustor than a mortgage in the event of a default or breach of obligation. Failure to obtain such written acknowledgement shall nullify the conferring of or exercising of such power of sale.

Sec. 3. That section 76-1008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1008. Any person desiring a copy of any notice of default and of any notice of sale under any trust deed may, at any time subsequent to the filing for record of the trust deed and prior to the filing for record of a notice of default thereunder, file for record in the office of the register of deeds of any county in which any part or parcel of the trust property is situated~~,~~ a duly acknowledged request for a copy of any such notice of default and notice of sale. The request shall set forth the name and address of the person or persons requesting copies of such notices and shall identify the trust deed by stating the names of the original parties thereto, the date of filing for record thereof, and the book and page where the same is recorded and shall be in substantially the following form:

Request is hereby made that a copy of any notice of default and a copy of notice of sale under the trust deed filed for record ...., 19......, and recorded in book ...., page ...., Records of .... County, Nebraska, executed by .... as trustor, in which .... is named as beneficiary and .... as trustee, be mailed to ...... (insert name) ...... at .... (insert address) ....

Signature ....

Not later than ten days after recordation of such notice of default, the trustee or beneficiary shall mail, by registered or certified mail, with postage prepaid, a copy of such notice with the recording date shown thereon, addressed to each person whose name and address is set forth in a request therefor which has been recorded prior to the filing for record of the notice of default, directed to the address designated in ~~said~~ such request; and at least twenty days before the date of sale, the trustee shall mail, by registered or certified mail, with postage prepaid, a copy of the notice of the time and place of sale, addressed to each person whose name and address is set forth in a request therefor which has been recorded prior to the filing for record of the notice of default, directed to the address designated in the ~~said~~ request.

~~Any~~ Each trust deed shall ~~may~~ contain a request that a copy of any notice of default and a copy of any notice of sale thereunder shall be mailed to each ~~any~~ person who is a party thereto at the address of such person set forth therein, and a copy of any notice of default and of any notice of sale shall be mailed to each such person at the same time and in the same manner required as though a separate request therefor had been filed by each of such persons as provided in this section.

If no address of the trustor is set forth in the trust deed and if no request for notice by such trustor has been recorded as provided in this section, a copy of the notice of default shall be published at least three times, once a week for three consecutive weeks, in a newspaper of general circulation in each county in which the trust property~~,~~ or some part thereof is situated, such publication to commence not later than ten days after the filing for record of the notice of default.

No request for a copy of any notice filed for record pursuant to this section, nor any statement or allegation in any such request, nor any record thereof, shall affect the title to trust property or be deemed notice to any person that any person requesting copies of notice of default or of notice of sale has or claims any right, title, or interest in, or lien or claim upon, the trust property.

Sec. 4. That section 76-1011, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1011. The trustee shall apply the proceeds of the trustee's sale, first, to the costs and expenses of exercising the power of sale and of the sale, including the payment of the trustee's fees actually incurred not to exceed the amount which may be provided for in the trust deed, second, to payment of the obligation secured by the trust deed, third, to the payment of junior trust deeds, mortgages, or other lienholders, and the balance, if any, to the person or persons legally entitled thereto.".

2. On page 2, line 19, strike "section" and insert "sections", and after the comma insert "76-1005, 76-1008, and 76-1011,"; and in line 20 strike "is" and insert "are".

3. Renumber original section 2 as section 5.

LEGISLATIVE BILL 786. Placed on General File as amended.
Standing Committee amendment to LB 786:
AM2029

1. Strike the original sections and insert new sections as follows:

"Section 1. That section 28-416, Revised Statutes Supplement, 1982, be amended to read as follows:

28-416. (1) Except as authorized by this article, it shall be unlawful for any person knowingly or intentionally: (a) To manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense, a controlled substance; or (b) to create, distribute, or possess with intent to distribute, a counterfeit controlled substance.

(2) Any person who violates subsection (1) of this section with respect to: (a) A controlled substance classified in Schedule I, II, or III of section 28-405 which is an exceptionally hazardous drug shall be guilty of a Class II felony; (b) any other controlled substance classified in Schedule I, II, or III of section 28-405, shall be guilty of a Class III

felony; or (c) a controlled substance classified in Schedule IV or V of section 28-405, shall be guilty of a Class IV felony.

(3) A person knowingly or intentionally possessing a controlled substance, except marijuana, unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by this article, shall be guilty of a Class IV felony.

(4) Any person knowingly or intentionally possessing marijuana weighing more than one ounce, but not more than one pound shall be guilty of a Class IIIA misdemeanor.

(5) Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.

(6) Any person knowingly or intentionally possessing marijuana weighing one ounce or less shall:

(a) For the first offense, be guilty of an infraction, receive a citation, be fined one hundred dollars, and be assigned to attend a course as prescribed in section 29-433 if the judge determines that attending such course is in the best interest of the individual defendant;

(b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined two hundred dollars and may be imprisoned not to exceed five days; and

(c) For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined three hundred dollars, and be imprisoned not to exceed seven days.

(7) If a person is placed on probation, as a condition of probation he or she shall satisfactorily attend and complete appropriate treatment and counseling on drug abuse conducted by one of the community mental health facilities as provided by Chapter 71, article 50, or other licensed drug treatment facility, except that this subsection shall not apply to a person who has completed treatment and counseling for the same offense under subsection (9) of this section.

(8) Any person who knowingly or intentionally delivers, distributes, or dispenses a substance that he or she expressly or implicitly represents to be a

controlled substance which is not in fact such a substance and which endangers the life of the person using the substance or which may cause bodily injury is guilty of a Class IV felony.

(9) Any person who violates subsection (1), (2), or (3) of this section shall satisfactorily attend and complete appropriate treatment and counseling on drug abuse in addition to any other penalty provided by law.

Sec. 2. That original section 28-416, Revised Statutes Supplement, 1982, is repealed.”.

LEGISLATIVE BILL 803. Placed on General File as amended.
Standing Committee amendments to LB 803:
AM2369

1. On page 2, strike the new matter in lines 4 through 6 and reinstate “The” in line 4; and in line 15 after the period insert “Juries shall be selected from a list of registered electors through June 30, 1985. Beginning July 1, 1985, juries shall be selected as provided in section 2 of this act.”.

2. Strike original section 2 and insert the following new sections:

Sec. 2. The officer having charge of the election records shall furnish to the jury commissioner a complete list of the names and addresses of all registered electors nineteen years of age or older in the county. The Department of Motor Vehicles shall furnish to each jury commissioner, upon request, a magnetic tape or printed list containing the names and addresses of all licensed motor vehicle operators nineteen years of age or older in the county. Upon receipt of both lists the jury commissioner shall combine the separate lists to produce a master list. The proposed jury list shall be derived by selecting from the master list the name of the person whose numerical order on such list corresponds with the key number and each successive tenth name thereafter.

Sec. 4. This act shall become operative on July 1, 1985.”.

3. Renumber original section 4 as section 5.

GENERAL FILE

LEGISLATIVE BILL 1089A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Sieck, R. Peterson, Remmers, Nichol, Lamb, Hefner, and Kahle asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

AM2384
(Amendments to Standing Committee Amendments, AM2257)

1. On page 1, lines 14 and 19, strike "Director" and insert "executive secretary" and after "of" insert "the"; in line 15 and 20, after "Resources" insert "Commission".

2. On page 3, strike beginning with "Director" in line 16 through "act" in line 18 and insert "Natural Resources Commission shall".

3. On page 5, line 15, strike ", and section 12 of this act".

4. On page 6, line 24, reinstate "and".

5. On page 7, strike the new matter in lines 5, 6, and 7.

6. Strike sections 12, 18 to 21, and 38 to 42.

7. On page 13, line 23, strike "37" and insert "32".

8. On page 14, line 17, strike "37" and insert "32".

9. On page 24, line 13, strike "23 to 34" and insert "18 to 29".

10. On page 25, line 20, strike "27" and insert "22"; in line 23 strike "30" and insert "25"; and in line 25 strike "25" and insert "20".

11. On page 26, line 13, strike "26" and insert "21".

12. On page 37, line 25, strike "2-3269, 2-3270, 2-3272,"; and in line 26 strike ", 2-3271,".

13. On page 38, line 1, strike "2-3283, 2-3286 to 2-3289,"; and in line 4 strike "section 2-3268" and insert "sections 2-3285 to 2-3287".

14. Renumber the remaining sections accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 676 in the Journal. No objections. So ordered.

AM2397

1. On page 5, lines 6, 7, 11, 12, and 13, strike the new matter and reinstate the stricken matter; and in line 7 remove the paragraphing.

Ms. Scofield asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

AM2385

(Amendments to Standing Committee amendments)

1. Strike amendment 1 and insert a new amendment as follows:

"1. On page 9, strike beginning with "No" in line 7 through the period in line 10, show the old matter as stricken, and insert:

'(1) The department shall recommend an appropriate regulatory policy for controlling mining and land quality to be presented to the council and the Legislature by January 1, 1986. The department shall evaluate all reasonable regulatory options for addressing the impacts on air, land, and water quality of mining by methods other than mineral production and injection wells which are presently regulated and shall evaluate other land pollution activities. The department shall examine and consider regulatory programs created by other states and the federal government, their applicability to Nebraska, and their success in the states or areas where they are used and shall consider, but not be limited to, the following policy options:

(a) The development of surface and shaft mining regulations;

(b) The development of general land quality regulations addressing appropriate development, mitigation, or reclamation standards for activities, industrial and other similar sites, and water or solid waste treatment facilities which result in land pollution problems or have a potential for land pollution;

(c) The appropriateness of ground or surface water use regulation as a means of limiting the impact of uranium mining on land and water resources; and

(d) The use of any other existing state regulatory programs to control or regulate the impacts of uranium mining on land and water resources.

(2) The department shall perform the

evaluation in cooperation with other state agencies which have or could have a role in regulating the impacts of uranium mining on Nebraska's people and resources or in controlling other mining activites or land quality. The department shall also create a citizen advisory panel, of interested or affected parties, which shall be consulted for its input and opinion on the results of the evaluation of regulatory options.

(3) Uranium mining by any method other than mineral production and injection wells shall be prohibited until September 1, 1986. Upon receipt of evidence that uranium mining by any method other than by mineral production and injection wells or related activites are presenting or are likely to present an imminent and substantial threat to the environment, the director shall petition the district court for an injunction to immediately restrain any person from contributing to the alleged acts or to require any person to stop such acts or to take such other action as may be necessary. It shall be the duty of each county attorney or the Attorney General to whom the director reports a violation to cause appropriate proceedings to be instituted without delay to assure compliance with this section.' ”.

MESSAGE FROM THE GOVERNOR

March 12, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 405, 746, 705, 644, 818, 749, 811, 697, 653, 673, 683, 729, 773, 730, 690, 750, 995, 853, 862, 897, 969, 899 and 1119 were received in my office on March 7, 1984.

These bills were signed by me on March 12, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

ADJOURNMENT

At 4:01 p.m., on a motion by Mr. Von Minden, the Legislature adjourned until 9:00 a.m., Tuesday, March 13, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA
Volume 2

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

1984

Convened January 4, 1984 **Adjourned April 9, 1984**

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

FORTY-FIFTH DAY - MARCH 13, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 13, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Royce Willerton, Minister of Southview Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Clark and Hoagland who were excused; and Messrs. Beutler, Chambers, V Johnson, Landis, Lundy, Newell, Schmit, Mrs. Higgins, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

On page 1544, line 35, strike "17" and insert "16".
The Journal for the Forty-Fourth Day was approved as corrected.

UNANIMOUS CONSENT - Print in Journal

Messrs. Schmit and Landis asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2432.)

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1125. Placed on General File as amended.
Standing Committee amendments to LB 1125:

AM2407

1. On page 2, line 6, after "of" insert "the technology of"; in line 7 strike "technology"; in line 12 after "information" insert "technology"; in line 13 after "assess" insert "needs for"; in line 14 strike "and needs"; and in line 16 after "information" insert "technology".

2. On page 3, line 6, after "the" insert "technology of"; in line 11 strike "and 2" and insert "to 3"; in line 21 after "state" insert ". Nothing in this act shall be construed to authorize the creation or development of state-financed or directed news media"; and in line 26 strike "and 2" and insert "to 3".

3. On page 5, lines 12 and 21, strike "and 2" and insert "to 3"; and in lines 14 and 15 strike "and 2" and insert "to 3".

4. Insert the following new section:

"Sec. 3. There is hereby created an advisory committee for the Telecommunications and Information Center to provide assistance in carrying out the provisions of this act. The purposes of the committee are to assist the center in developing objectives, setting priorities, and making recommendations. The committee shall consist of five members appointed by the Governor and shall include not less than three members from the private sector. The members of the committee shall serve for a term of four years, except that of the members initially appointed, two shall serve for a term of two years and three shall serve for a term of four years. The members shall serve without compensation but may be reimbursed for their actual expenses as provided in sections 84-306.01 to 84-306.05 for state employees. The committee shall select one of its members as chairperson. The committee shall meet at least four times a year and a meeting may be called by (1) the chairperson, (2) three members of the committee, or (3) the director.".

5. Renumber the original sections accordingly.

(Signed) David Landis, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 288. Read. Considered.

LR 288 was adopted with 29 ayes, 0 nays, and 20 and not voting.

LEGISLATIVE RESOLUTION 289. Read. Considered.

LR 289 was adopted with 30 ayes, 0 nays, and 19 and not voting.

LEGISLATIVE RESOLUTION 290. Title read. Considered.

LR 290 was adopted with 32 ayes, 0 nays, and 17 not voting.

MOTION - Approve Reports

Speaker Nichol moved to approve the report from Chadron State College to withdraw funds found in the Journal on page 1539.

The report was approved with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Speaker Nichol moved to approve the report from Kearney State College to withdraw funds found in the Journal on page 1540.

The report was approved with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Speaker Nichol moved to approve the report from Peru State College to withdraw funds found in the Journal on page 1541.

The report was approved with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Speaker Nichol moved to approve the report from Wayne State College to withdraw funds found in the Journal on page 1542.

The report was approved with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 867. Title read. Considered.

Standing Committee amendment, AM1304, found in the Journal on

page 1382 for the Fortieth Day was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Mr. Warner renewed his pending amendment, AM2390, found in the Journal on page 1508.

The Warner amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Newell offered the following amendment:

1. On page 2, in line 4, strike "1984" and insert "1985" and strike "1985" and insert "1986"; in line 6, strike "1985" and insert "1986"; in line 7, strike "1986" and insert "1987"; and in line 9, strike "1986" and insert "1987" and strike "1987" and insert "1988";

2. Add the following new section: "Section 2. The Legislature shall not acknowledge or reaffirm the appropriations made in Section 1 of the act until the Board of Regents of the University of Nebraska has filed notice with the Clerk of the Legislature that the conditions set forth in sections 85-180 to 85-181, Revised Statutes Supplement, 1983, cannot be met."

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?"

Mrs. Morehead moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 28 ayes, 4 nays, and 17 not voting.

The Chair declared the Call raised.

The Newell amendment lost with 2 ayes, 29 nays, 11 present and not voting, and 7 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 291.

Introduced by McDonald, 31st District; Abboud, 12th District; Beyer, 3rd District; Hannibal, 4th District.

WHEREAS, the Millard South Indians boys' basketball team captured the Class A basketball championship crown for the second consecutive year; and

WHEREAS, a successful 22-3 season demonstrates outstanding spirit, commitment, teamwork, and tenacity; and

WHEREAS, the winning of such a championship is a tribute to Coach Larry Ribble, his staff, and the Millard South basketball team and illustrates a willingness to endure the hard work and struggle associated with great accomplishments; and

WHEREAS, such outstanding achievements deserve special recognition; and

WHEREAS, the capturing of two consecutive titles is an honor received by few teams in the State's history.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates and commends the Millard South Indians and Coach Larry Ribble.
2. That the Legislature commends the competitive spirit and sportsmanship of the Millard South boys' basketball team.
3. That a copy of this resolution be sent to Coach Ribble and the Millard South boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 292.

Introduced by Schmit, 23rd District.

WHEREAS, the Rising City girls basketball team captured the Class D-2 state basketball championship and finished the season at the top of the Class D-2 ratings; and

WHEREAS, the Terriers and Coach Larry Aylor deserve special recognition for their hard work and determination.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends the achievements of the Rising City girls basketball team.
2. That the Legislature congratulates the members of the Rising City girls basketball team, Coach Larry Aylor, and his staff for capturing the state championship in Class D-2 girls basketball.
3. That a copy of this resolution be sent to the Rising City girls basketball team and Coach Larry Aylor.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2416.)

Mr. Beutler asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

AM2424
(Amendments to Standing Committee Amendments)

1. Insert the following new sections:

"Sec. 73. The Department of Health, the Department of Water Resources, the Nebraska Natural Resources Commission, the Conservation and Survey Division of the University of Nebraska, and each natural resources district, city, village, or other political subdivision shall promptly report to the department any information which comes to its attention, through its own monitoring programs or otherwise, which indicates that the level of nitrate- nitrogen in any ground water reservoir in the state equals or exceeds twenty parts per million.

Sec. 74. If from information provided pursuant to section 73 of this act, or otherwise available to the department, the director believes or has reason to believe that the level of nitrate- nitrogen in a ground water reservoir in the state equals or exceeds twenty parts per million, the director shall investigate to determine the cause of such level and issue a written report within one hundred twenty days of the date such information comes to his or her attention.

Sec. 75. If following the investigation required by section 74 of this act, the director determines that the probable cause of the nitrate- nitrogen level is not a point source, the director shall notify the natural resources district within which the nitrate- nitrogen level equals or exceeds twenty parts per million. The director shall give the district all information acquired during the investigation and shall render an opinion on what the probable cause is.

The district shall investigate, modify its ground water management plan if appropriate, and in general determine the appropriate course of action in order to stabilize the level and prevent the spread of water pollution, and shall, within one hundred twenty days of notification, report such determinations to the department.

Sec. 76. In modifying a ground water management plan a district may exercise one or more of the following powers:

(1) To require the use of best management practices for activities which cause or contribute to the nitrate- nitrogen pollution;

(2) To restrict the density of irrigation development; or

(3) To impose any other regulations as are deemed necessary to stabilize the level of nitrate- nitrogen in the ground water and to prevent the spread of water pollution.

The report filed pursuant to section 75 of this act shall also include a description of the boundaries of the area within the district in which such powers are sought to be exercised.

The district may, in addition to exercising the approved powers, initiate designation of a control or management area as provided in the Nebraska Ground Water Management and Protection Act.

Sec. 77. A district may annually levy a tax of not to exceed one and eight- tenths cents on each one hundred dollars on all of the taxable property within the boundaries of the area in which any powers granted in this act are to be exercised. Such levy, which shall be in addition to that authorized by sections 2- 3225 and 46- 673, shall be utilized only for the costs of carrying out the provisions of sections 73 to 77 of this act within such area. Certification and collection of such levy shall be administered by the district and by the county or counties involved in the same manner as the levy authorized by section 2- 3225.

Sec. 78. That section 81-1532, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1532. Sections 81-1501 to 81-1532 and sections 73 to 77 of this act shall be cited as the Environmental Protection Act.".

2. On page 37, line 25, after "2-3272," insert "37-435," and strike "37-435" and insert "81-1532".

3. Renumber the remaining sections

accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 744. Placed on Select File as amended.
E & R amendments to LB 744:
AM5375

1. In lieu of the DeCamp and Carsten amendments adopted March 8, 1984, in the Newell amendment, AM2352, on page 1, strike beginning with "for" in line 10 through "act" in line 11 and insert "until January 1, 1985".

2. On page 1, line 3, strike "and" and insert "to provide for the termination of certain lotteries;" and after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 1019. Placed on Select File as amended.
E & R amendments to LB 1019:
AM5373

1. On page 1, line 8, strike "primary class" and insert "primary-class"; in line 6 after the semicolon insert "to define terms;"; and in line 9 after the semicolon insert "to eliminate a provision on reduction of pension;".

2. On page 3, line 2, after "15-1018" insert "and sections 12 and 13 of this act".

3. On page 6, line 19, after "In" insert "the".

4. On page 7, line 2, after "injury" insert and underscored comma.

5. On page 14, line 19, strike "primary class", show as stricken, and insert "primary- class".

6. On page 16, line 14, strike the first "the" and insert "such a".

LEGISLATIVE BILL 418. Placed on Select File as amended.
E & R amendments to LB 418:
AM5374

1. Because of the amendment of section 71-113 by Laws 1983, LB 476, section 1, and section 10, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1984, and of section 71-116 by Laws 1983, LB 476, section 2, and section 12, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1984, strike

original sections 19, 20, and 24, and all amendments thereto, and insert the following new sections:

“Sec. 18. That section 71-113, Revised Statutes Supplement, 1983, as amended by section 10, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1984, be amended to read as follows:

71-113. (1) Each board of examiners shall consist of four members, including one lay person, except that (a) in audiology and speech pathology the board shall consist of five members, including one lay person, (b) in dentistry the board shall consist of eight members, including one lay person, (c) in medicine and surgery the board shall consist of seven members, including one lay person, (d) in embalming and funeral directing the board shall consist of four members, including one lay person appointed by the Department of Health, (e) in pharmacy the board shall consist of five members including one lay member; ~~and~~ (f) in psychology the board shall consist of six members, including one lay person, and (g) in opthalmic dispensing the board shall consist of seven members as provided in section 12 of this act. Notwithstanding any other provision of law, the State Board of Health shall appoint one lay member to each board of examiners set forth in this subsection in accordance with the provisions of section 71-114.

(2) Membership on the Board of Examiners in Audiology and Speech Pathology shall consist of two members who are audiologists, two members who are speech pathologists, and one lay person. All professional members shall be qualified to be licensed in accordance with the provisions of this act. The professional members appointed to the initial board shall be licensed not later than six months after being appointed to the board. If for any reason a professional member cannot be licensed within such time period, a new professional member shall be appointed.

Sec. 19. That section 71-116, Revised Statutes Supplement, 1983, as amended by section 12, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1984, be amended to read as follows:

71-116. (1) The members of each board of examiners shall be appointed for a term of five years and no member shall be appointed for or serve for more than two consecutive full five-year terms.

(2) The members of the Board of Examiners in Dentistry shall be appointed as follows: As of December 1, 1971, one member shall be appointed for a term of five years and one member shall be appointed for a term of three years; as of December 1, 1972, one member shall be appointed for a term of three years; as of December 1, 1973, one member shall be appointed for a term of three years; as of December 1 of each year thereafter, two members shall be appointed for a term of five years; as of December 1, 1979, one member, who is a duly licensed dental hygienist and complies with the provisions of sections 71-114 and 71-115 shall be appointed for a term of five years; and as of December 1, 1984, one lay member shall be appointed for a term of five years. The dental hygienist member shall have full voting rights, except in matters pertaining to the initial or continuing licensure or competency of a duly licensed practitioner of dentistry. Thereafter successors with like qualifications shall be appointed for five-year terms. No member shall be appointed for or serve for more than two consecutive full five-year terms.

(3) The members of the Board of Examiners in Medicine and Surgery shall be appointed as follows: Within thirty days after May 25, 1943, five members shall be appointed, one of whom shall hold office until December 1, 1944, one until December 1, 1945, one until December 1, 1946, one until December 1, 1947, and one until December 1, 1948; upon the expiration of such terms, successors shall be appointed for terms of five years each. Within thirty days after October 19, 1963, a sixth member, who shall be a person eligible for appointment to the Board of Examiners in Osteopathy who also has a license to practice medicine and surgery in the State of Nebraska, shall be appointed for a term expiring on December 1, 1968. As of December 1, 1984, one lay member shall be appointed for a term of five years. Thereafter successors with like qualifications shall be appointed for five-year terms. Upon the expiration of the five-year term of such sixth member of the board after August 30, 1981, his or her eligible successor shall be a person who has a license to practice medicine and surgery and a license to practice osteopathy in the State of Nebraska.

(4) The members of the Board of Examiners in

Audiology and Speech Pathology shall consist of two audiologists, two speech pathologists, and one lay member and shall be appointed as follows: Within sixty days after July 22, 1978, four members shall be appointed, two of whom shall hold office until December 1, 1979, and two until December 1, 1980. As of December 1, 1984, one lay member shall be appointed for a term of five years. Upon the expiration of such terms the successors shall be appointed for terms of five years each. No member shall be appointed for or serve for more than two consecutive five-year terms.

(5) As of December 1, 1983, the Board of Examiners in Pharmacy shall be composed of five members, including four actively practicing pharmacists, one of whom practices within the confines of a hospital, and a lay member who is interested in the health of the people of Nebraska and is of the age of majority. The members of the Board of Examiners in Pharmacy shall be appointed as follows: As of December 1, 1983, the hospital pharmacist member shall be appointed for a term of five years and the lay member shall be appointed for a term of three years. Upon the expiration of such terms and the terms of existing members, all successors shall be appointed for terms of five years each.

(6) The members of the Board of Examiners of Psychologists appointed as successors to the members serving on the effective date of this act shall be appointed for terms of five years. The terms of members serving on the effective date of this act are hereby extended to December 1 of the year in which they would otherwise expire.

(7) The term of each examiner provided for herein shall commence on the first day of December, following the expiration of the term of the member whom such person succeeds, and shall be rotated in such a manner that no more than one examiner shall retire during any year in which a term expires unless the number of members on a board makes it impractical to do so.

(8) Except as otherwise specifically provided, the members of boards for professions~~,~~ coming under the scope of sections 71-101 to 71-1,196 or the Opthalmic Dispensing Act, for the first time shall be appointed within thirty days after the effective date of the act providing for licensing of the profession, the terms of

the initial board members to be as follows: One member or, in the case of opthalmic dispensing, two members shall hold office until December 1 of the third year, one or, in the case of opthalmic dispensing, two until December 1 of the fourth year, and two, including the lay member, or, in the case of opthalmic dispensing, three until December 1 of the fifth year following the year in which the act providing for licensing of the profession became effective.

Sec. 23. That original sections 71-102, 71-110, 71-112, and 71-122, Reissue Revised Statutes of Nebraska, 1943, section 71-113, Revised Statutes Supplement, 1983, as amended by section 10, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1984, and section 71-116, Revised Statutes Supplement, 1983, as amended by section 12, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1984, are repealed.”.

2. On page 1, line 1, after “ACT” insert “relating to public health and welfare; to amend sections 71-102, 71-110, 71-112, and 71-122, Reissue Revised Statutes of Nebraska, 1943, section 71-113, Revised Statutes Supplement, 1983, as amended by section 10, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1984, and section 71-116, Revised Statutes Supplement, 1983, as amended by section 12, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1943;”; and strike beginning with “to” in line 2 through the first semicolon in line 5.

3. On page 2, line 1, strike “15” and insert “14”; and in line 9 strike “avaiable” and insert “available”.

4. On page 4, line 22, after “examination” insert an underscored comma.

5. On page 10, strike beginning with “sections” in line 16 through “act” in line 17 and insert “any provision of the Opthalmic Dispensing Act”.

6. On page 19, line 2, strike “1984” and insert “1985”.

7. In the Standing Committee amendments, AM2018:

a. On page 1, strike beginning with “sections” in line 7 through “act” in line 8 and insert “the Opthalmic Dispensing Act” and in line 22 strike both commas and after “work” insert “and”;

b. On page 2, line 26, after "delivery" insert an underscored comma;

c. On page 5, line 7, after "suspension" insert "or revocation"; and

d. Strike amendment 9 and renumber remaining amendments accordingly.

LEGISLATIVE BILL 418A. Placed on Select File.

LEGISLATIVE BILL 906. Placed on Select File as amended.
E & R amendment to LB 906:
AM5369

1. On page 2, line 26, after the period insert paragraphing.

LEGISLATIVE BILL 861. Placed on Select File.

LEGISLATIVE BILL 1057. Placed on Select File as amended.
E & R amendments to LB 1057:
AM5363

1. On page 1, line 4, strike "Coordination" and insert "Coordinating".

2. On page 5, in lines 12 and 13, strike "career oriented" and insert "career-oriented"; and in line 16 strike "minimum federal" and insert "federal minimum".

3. In the Standing Committee amendments, AM2052, adopted March 2, 1984, on page 1, line 9, strike the comma.

LEGISLATIVE BILL 671. Placed on Select File.

LEGISLATIVE BILL 970. Placed on Select File as amended.
E & R amendments to LB 970:
AM5364

1. In lieu of the Landis amendment adopted on March 5, 1984, insert a new section as follows:

"Sec. 7. This act shall become operative on January 1, 1985.".

2. On page 1, line 5, after the semicolon insert "to provide an operative date;".

3. On page 4, line 2, strike beginning with "master" through "degrees" and insert "the master's degree in business administration".

4. Renumber original section 7 as section 8.

LEGISLATIVE BILL 915. Placed on Select File as amended.
E & R amendments to LB 915:
AM5366

1. On page 1, line 1, strike "horse racing" and insert "horseracing".

2. On page 2, line 6, strike "horse races", show as stricken, and insert "horseraces"; in line 8 strike "race track", show as stricken, and insert "racetrack"; and in line 11 strike "horse racing", show as stricken, and insert "horseracing".

LEGISLATIVE BILL 902. Placed on Select File as amended.
E & R amendment to LB 902:
AM5365

1. On page 3, line 9, strike "arrangment" and insert "arrangement".

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 867. Considered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 827. Title read. Considered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Morehead requested a record vote on the advancement of the bill.

Voting in the affirmative, 10:

Eret Johnson, V. Marsh McDonald Morehead
Newell Pappas Pirsch Warner Wesely

Voting in the negative, 27:

Abboud Barrett Beyer Carsten Chronister
DeCamp Fenger Goll Haberman Hannibal
Hefner Jacobson Johnson, L. Johnson, R. Kahle
Kilgarin Labedz Lundy Nichol Peterson, H.
Peterson, R. Remmers Rupp Schmit Scofield
Sieck Von Minden

Present and not voting, 7:

Beutler Goodrich Harris Higgins Lamb
Vickers Withem

Excused and not voting, 5:

Chambers Clark Hoagland Landis Wagner

Failed to advance to E & R for Review with 10 ayes, 27 nays, 7 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM2419
(Amendments to Standing Committee Amendments, AM2062)

1. On page 3, line 2, strike "which may include accreditation" and insert "approved by the boards. The boards may allow such program to be accredited"; and in lines 3 and 4 strike "as approved by the boards".

2. On page 4, line 13, strike "this" and after "section" insert "14 of this act".

3. On page 5, line 12, after "practitioner" insert a comma and after "except" insert "that a certified nurse midwife shall not attend a"; and in line 18 after the period insert "Such rules may include, but are not limited to, reasonable requirements that the certified nurse midwife and all collaborating licensed practitioners maintain professional liability insurance with such coverages and limits as may be established by the licensed or certified health care facility.".

4. On page 6, line 15, strike "practitioner" and insert "midwifery".

5. On page 7, strike beginning with "Members" in line 25 through the period in line 26.

6. On page 8, line 5, strike “Board” and insert “Council”; and strike beginning with “Council” in line 11 through the period in line 12.

7. On page 9, line 20, after “of” insert “certified nurse”; and in line 24 strike “currently”.

8. On page 10, line 14, strike “being issued a” and insert “a current”.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2277
(Amendments to Standing Committee amendments, AM2088)

1. Insert the following new sections:

“Sec. 23. (1) The Legislature hereby finds and declares that: (a) The early identification of gifted students, and the provision of enhanced educational opportunities which will develop their skills, is of benefit to the students, their schools, their communities, and the State of Nebraska. For the purposes of this section, gifted students shall mean public school students who excel markedly in ability to think, reason, judge, invent, or create and who would benefit from special facilities or educational services or both which are provided to assist them to more nearly achieve their potentials; and (b) educational service units are uniquely suited to provide special facilities, services, and consultants trained and experienced in the field of gifted education, to assist schools in the identification of gifted students and the provision of special facilities and educational services for such students.

(2) In order to encourage educational service units to provide special facilities, services, and consultants for gifted education, the Legislature hereby appropriates an amount not to exceed five hundred thousand dollars per year for fiscal years 1984-85, 1985-86, and 1986-87, to be used as matching funds for educational service units offering special facilities, services, and consultants to public schools. For fiscal year 1984-85, the match shall be two dollars for every one dollar of educational service unit funding, for fiscal year 1985-86, the match shall be one dollar and fifty cents for every one dollar of educational service unit funding, and for fiscal year 1986-87, the match shall be one dollar for every one dollar of educational

service unit funding. Each educational service unit shall confer with the State Department of Education when developing its gifted education assistance program and no educational service unit shall receive more than thirty thousand dollars in matching funds in any one year.

Sec. 24. There is hereby created the Gifted Students Assistance Fund. The fund shall contain the funds specified in section 23 of this act and shall be administered by the State Department of Education according to the provisions of section 23 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

2. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Special Commonwealth

LEGISLATIVE BILL 1027. Placed on General File as amended.
Standing Committee amendment to LB 1027:
AM2418

1. Strike the original sections and insert the following new sections:

"Section 1. That section 8-903, Revised Statutes Supplement 1983, be amended to read as follows:

8-903. It shall be unlawful for any action to be taken after March 12, 1963, which results in a company becoming a bank holding company as defined in section 8-902. Nothing in sections 8-901 to 8-904 shall prohibit (1) a bank holding company or a company which owns only one bank which is not a bank holding company as defined in section 8-902, (2) a bank holding company as defined in section 8-1202, ~~or~~ (3) an out-of-state bank holding company as defined in 12 U.S.C. 1842(d) as it exists on August 26, 1983, and which on March 12, 1963, owned at least two banks in this state, or (4) an out-of-state bank holding company which has acquired a failed or failing domestic financial institution or which forms a bank which acquires such an institution, pursuant to sections 8-1506 to 8-1510, from directly or indirectly owning or controlling more than twenty-five per cent of the voting shares of any bank or the power to control in any manner the election of a majority of the directors of any bank, unless upon such acquisition the banks so owned or controlled in Nebraska would have deposits greater than an amount equal to nine per cent of the total deposits of all banks in this state plus the total deposits, savings accounts, passbook accounts, and shares in savings and loan associations and building and loan associations in this state as determined by the Director of Banking and Finance on the basis of the most recent calendar year-end reports. If any person, association, partnership, or corporation owns twenty-five per cent or more of the voting stock of any bank holding company acquiring a bank and any such person, association, partnership, or corporation owns twenty-five per cent or more of the voting stock of any other bank or bank holding company in Nebraska, then the total deposits of such other bank or banks and of all banks owned or controlled in Nebraska by such bank holding company shall be included in the computation of the total deposits of a bank holding company acquiring a bank. No bank holding company shall be allowed to own or control more than nine banks located in the State of Nebraska at any time after August 26, 1983. A bank holding company, including an out-of-state bank holding company, may not acquire any bank which has been chartered by this state or the Comptroller of the Currency of the United States of America for less than five years. Acquisition right or rights provided in this section to any bank holding company, including any out-of-state bank holding company, if not exercised at the time permitted in this section, may be carried forward to one or more subsequent years to be exercised on a cumulative basis. A bank holding company which acquires an institution or which forms a bank which acquires an institution, under sections 8-1506 to 8-1510, shall not have such acquisition or formation count against the total deposits limitation or bank acquisition limitation imposed by this section, nor shall such acquisition or formation be limited, restricted, or disallowed by any other prohibition imposed by this section.

Sec. 2. That section 8-905, Revised Statutes Supplement, 1983, be amended to read as follows:

8-905. ~~Notwithstanding any other provisions of law and subject to the provisions of this section, and~~ Subject to the approval of the Director of Banking and Finance, a bank holding company, as defined in the

Bank Holding Company Act of 1956, as amended, 12 U.S.C. 1841, et seq. or a subsidiary thereof, with bank subsidiaries whose operations are principally conducted in a state other than Nebraska, may acquire and hold all or substantially all of the voting stock of a single newly established bank located in this state when and so long as the following conditions are satisfied:

(1) The bank whose stock is to be acquired is a newly established bank that shall be limited to a single banking office and the bank may not acquire, establish, share, or maintain any additional banking office or remote service unit in this state whether by merger, consolidation, or otherwise, and the services of the bank shall be limited to the solicitation, processing, and matters relating to the making of loans instituted by credit card or other type of transaction card;

(2) The bank whose stock is to be acquired has or will have on the date of commencement of banking business in this state a minimum capital stock and paid-in surplus of two million five hundred thousand dollars;

(3) The bank whose stock is to be acquired employs on the date of commencement of its banking business in this state or will employ within one year of such date not less than fifty persons in this state in its business; and

(4) The bank whose stock is to be acquired is operating in a manner and at a location that is not likely to attract customers from the general public in this state to the substantial detriment of existing banking institutions located in this state, except that the bank may be operated in a manner likely to attract and retain customers with whom that bank, the out-of-state holding company, or such holding company's bank or nonbanking subsidiary has or has had business relations.

Sec. 3. That section 8-907, Revised Statutes Supplement, 1983, be amended to read as follows:

8-907. The provisions of sections 8-905 and 8-906 shall not be construed to amend or repeal section 8-903 or to prohibit, limit, or restrict an out-of-state bank holding company, as defined in section 4 of this act, from acquiring or forming a bank for the purpose of acquiring an institution as provided in sections 8-1506 to 8-1510.

Sec. 4. As used in this section and sections 8-1506 to 8-1510, unless the context otherwise requires:

(1) Domestic bank holding company shall mean a bank holding company which has the majority of the total deposits of its bank subsidiaries within the State of Nebraska;

(2) Domestic financial institution shall mean a financial institution which is chartered and whose principal office is located in the State of Nebraska;

(3) Out-of-state bank holding company shall mean a bank holding company which has the majority of the total deposits of its bank subsidiaries within a state contiguous to the State of Nebraska;

(4) Out-of-state financial institution shall mean a financial institution which is chartered or whose principal office is located in a state contiguous to the State of Nebraska;

(5) Financial institution shall mean a bank, savings and loan association, building and loan association, federal savings bank, or trust company; and

(6) Aquisition shall mean the assumption by not more than one acquiring institution of all or any portion of the deposits or indebtedness of a failing or failed financial institution.

Sec. 5. That section 8-1506, Revised Statutes Supplement, 1983, be amended to read as follows:

8-1506. Whenever the Department of Banking and Finance determines the acquisition of any of the institutions under its supervision is necessary because its capital is impaired, it is conducting its business in an unsafe or unauthorized manner, or it is endangering the interest of depositors or savers, the Director of Banking and Finance may take immediate action in the case of an emergency so declared by the Governor, the Secretary of State, and the Director of Banking and Finance, without the benefit of a hearing, to take possession of and convert or merge the charter, form of ownership, or operating powers of any institution under the department's supervision into the charter, form of ownership, or operating powers of a bank or any institution under the department's supervision to facilitate the acquisition. Pursuant to this section, the director may take action to permit the acquisition of any of the assets or liabilities of any institution under the department's supervision by a bank or other financial institution to facilitate an emergency acquisition.

Sec. 6. That section 8-1507, Revised Statutes Supplement, 1983, be amended to read as follows:

8-1507. Pursuant to section 8-1506, the Department of Banking and Finance may permit ~~cross- industry~~ acquisition by a domestic or out- of- state financial institution of any failing institution under its supervision or permit acquisition and operation of such ~~institutions~~ institution as a bank subsidiary by a domestic or out- of- state bank holding company when the department determines the acquisition of any of the institutions under its supervision is necessary because its capital is impaired, it is conducting its business in an unsafe or unauthorized manner, or it is endangering the interests of depositors or savers, except that no out- of- state financial institution shall be permitted to acquire a failing institution unless such failing institution is an industrial loan and investment company whose certificates of indebtedness are not insured, with assets in excess of twenty- five million dollars. Such acquisition may be cross- industry as provided within sections 8- 1506 to 8- 1510. If the acquiring institution is a bank, it may continue to operate such institution as a state institution under the respective Nebraska statutes notwithstanding its denomination as a bank subsidiary. Acquisitions by any financial institution under sections 8-1506 to 8-1510 shall be deemed to be of the same nature as an acquisition of a state-chartered bank and shall follow such rules or regulations established by the Director of Banking and Finance for acquisition of state-chartered banks by a bank holding company. In considering an application under this section, the director shall authorize transactions considering the following priorities:

(1) First, between institutions of the same type; and

(2) Second, between institutions of different types.

In considering an application from an out- of- state bank holding company or financial institution under this section, the director shall authorize transactions only if there is no pending written offer from a domestic bank holding company or financial institution with sufficient resources to acquire the failing institution on at least as favorable terms as those offered by the out- of- state bank holding company or financial institution.

Sec. 7. That original sections 8-903, 8-905, 8-907, 8-1506, and 8-1507, Revised Statutes Supplement, 1983, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

(Signed) Vard Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 867. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1127. Title read. Considered.

Mr. V. Johnson renewed his pending amendment found in the Journal on page 1266.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 288, LR 289, and LR 290.

GENERAL FILE

LEGISLATIVE BILL 1127. The V. Johnson pending amendment found in the Journal on page 1266 was renewed.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Beutler Eret Hannibal Higgins Johnson, V.
Kilgarin Labedz Marsh McDonald Morehead
Newell Pappas Schmit Scofield Sieck
Vickers Wesely Withem

Voting in the negative, 23:

Abboud Barrett Beyer Carsten Chronister
Fenger Goll Hefner Jacobson Johnson, L.
Johnson, R. Kahle Lamb Lundy Nichol
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Von Minden Wagner Warner

Present and not voting, 2:

Goodrich Harris

Excused and not voting, 6:

Chambers Clark DeCamp Haberman Hoagland
Landis

The V. Johnson amendment lost with 18 ayes, 23 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 5 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1110. Title read. Considered.

Standing Committee amendment, AM2291, found in the Journal on page 1367 for the Fortieth Day was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Schmit moved to indefinitely postpone LB 1110.

The motion to indefinitely postpone prevailed with 15 ayes, 8 nays, 19

present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1126. Title read. Considered.

Standing Committee amendments, AM2303, found in the Journal on page 1383 for the Fortieth Day were considered.

Mr. Warner requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is sections 1 and 2 which are lines 1 through 8.

The first Standing Committee amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The second Standing Committee amendment is sections 3 and 4 which are lines 9 through 20.

Messrs. Carsten and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

The second Standing Committee amendment was adopted with 26 ayes, 4 nays, 10 present and not voting, and 9 excused and not voting.

Messrs. Beyer and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 3 nays, 9 present and not voting, and 11 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 825. Placed on Select File as amended.
E & R amendments to LB 825:
AM5376

1. On page 1, line 1, strike “motor”; in line 2 strike “60-109,”; in line 10 strike “60-302, 60-312,”; and strike beginning with “Motor” in line 13 through line 14 and insert “sale of motor vehicles and trailers as prescribed; to change duties; to provide duties; to change fees as prescribed; to define and redefine terms; to change provisions relating to certain inspections,

dealer plates, licenses, and permits; to prohibit certain acts; to provide remedies; to provide for succession to certain dealerships; to harmonize provisions; to change penalties; to repeal the original sections; and to declare an emergency.".

2. On page 2, strike lines 1 through 22.

3. On page 11, line 21, after "the" insert "Nebraska" and after "Vehicle" insert "Industry".

4. On page 19, line 10, strike the comma and show as stricken.

5. On page 22, in lines 15 and 19, after "the" insert "Nebraska".

6. On page 23, in lines 8 and 14, before "Motor" insert "Nebraska".

7. On page 27, line 1, strike the comma, show as stricken, and insert "or"; and in line 2 strike the first comma and show as stricken.

8. On page 39, in lines 18 and 19 reinstate the stricken matter.

9. On page 47, line 12, strike "or more" and insert "motor".

10. On page 73, line 9, after "auction" insert "dealer"; and in line 14 after "address" insert "of the person".

11. On page 76, line 17, after "that" insert "the".

12. In the Standing Committee amendments on page 3, line 25, strike "attorney" and insert "attorney's".

13. Insert underscoring to the Beutler amendment as appropriate.

LEGISLATIVE BILL 769. Placed on Select File.

LEGISLATIVE BILL 931. Placed on Select File as amended.
E & R amendment to LB 931:
AM5367

1. In the Standing Committee amendments, AM1840, on page 1, line 8, strike "the comma" and insert " 'science' "; and in line 9 strike the comma.

LEGISLATIVE BILL 931A. Placed on Select File.

LEGISLATIVE BILL 908. Placed on Select File as amended.
E & R amendments to LB 908:
AM5372

1. In lieu of the Vickers amendment, adopted on March 5, 1984:

a. On page 4, strike beginning with "When" in line 6 through "pay" in line 27 and show the old matter as stricken; and

b. On page 5, strike lines 1 and 2 and show as stricken.

2. On page 1, strike beginning with "the" in line 3 through "jurisdictions" in line 6 and insert "changes in the boundaries of certain school districts".

3. On page 3, line 4, strike "estate", show as stricken, and insert "property".

LEGISLATIVE BILL 516A. Placed on Select File.
LEGISLATIVE BILL 645A. Placed on Select File.

LEGISLATIVE BILL 751A. Placed on Select File as amended.
E & R amendment to LB 751A:
AM5368

1. In the Wesely amendment adopted March 6, 1984, in lines 1 and 3 strike "Employees' " and insert "Employees".

LEGISLATIVE BILL 1001A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

VISITORS

Visitors to the Chamber were fifty 9th graders and teachers from Aurora Jr. High School; ten students and teacher from Norfolk High School; Messrs. Inza Timite, Koffi Goli, Binfite Noufe, Augustin Tompieu Zouo, Gerard Gnagne Adou, Mrs. Marcelle Ahou Ya Achi, Miss Yvette Koue Lou Tie from the Ivory Coast Legislature; and U.S. State Department escorts: Mr. William Carney and Ms. Lydia Roffe.

RECESS

At 12:15 p.m., on a motion by Ms. Scofield, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark and Hoagland who were excused; and Messrs. Abboud, Barrett, Chambers, DeCamp, Goll, Haberman, Hannibal, Hefner, R. Johnson, V. Johnson, Lundy, Newell, Schmit, Von Minden, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

March 12, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Manpower Commission, requiring legislative confirmation:

Marita Fickes, P.O. Box 9, Chappell, NE 69129 (308)874-2251 Term: 3/12/84 to 9/1/86 Succeeds: Donna Lamb, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 677 and 985.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 152 in the Journal. No objections. So ordered.

AM2445
(Amendments to Final Reading Copy)

1. On page 1, line 2; page 2, line 2; and page 4, line 26, after the second comma insert "as amended by section 11, Legislative Bill 540, Eighty-eighth Legislature, Second Session, 1984,".

GENERAL FILE

LEGISLATIVE BILL 229. Considered.

Mr. Beutler asked unanimous consent to withdraw his pending amendment (2) found in the Journal on page 968. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 1 nay, 4 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 790. Title read. Considered.

Standing Committee amendment, AM2067, found in the Journal on page 1098 for the Thirty-Second Day was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 981 in the Journal. No objections. So ordered.

AM2443

1. Insert the following new sections:

"Sec. 9. That section 85-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-902. (1) The Nebraska Coordinating Commission for Postsecondary Education, referred to in sections 85-901 to 85-911 and sections 1 to 7 and 10 of this act as the commission, is hereby created.

(2) The commission shall consist of ~~twelve~~ seventeen members as follows:

(a) Six members, two from each congressional district, shall be appointed from the general public by the Governor, with the advice and consent of the

Legislature. Of such members initially appointed, two shall be appointed to terms of two years each, two shall be appointed to terms of four years each, and two shall be appointed to terms of six years each. Thereafter all appointments of members from the public shall be to terms of six years each. In appointing such members, the Governor shall take all steps necessary to ensure that the appointees (i) are broadly and equitably representative of the general public, (ii) are not employees or officers of any postsecondary institution of this state, and (iii) are not employees or officials of state government;

(b) Five members shall be representatives of postsecondary education institutions of this state, (i) one member from the state university system appointed by and from the Board of Regents of the University of Nebraska, (ii) one member from the state college system appointed by and from the State College Board of Trustees, (iii) one member from a technical community college area board appointed by the ~~Governor with the advice of the~~ area boards of the technical community colleges, (iv) one member from a governing board of an independent college of this state appointed by the Governor with the advice of the independent colleges, and (v) one member who is an owner, shareholder, or board member of a proprietary school of this state appointed by the Governor with the advice of the proprietary schools. Such members shall be appointed to terms of three years each; ~~and~~

(c) Either the State Commissioner of Education or one member from the State Board of Education appointed by such board who shall serve for a term of three years; and

(d) Five alternate members shall be representatives of postsecondary education institutions of this state and chosen in the manner provided in subdivision (2)(b) of this section. Alternate members shall be accorded all the rights and privileges of other commission members, except that alternate members shall vote only in the absence of the representative to whom the member is an alternate. Such alternate members shall be appointed to terms of three years each.

Sec. 10. Commission members who are representatives of independent colleges or proprietary schools shall not vote on any program review decisions pursuant to sections 1 to 7 of this act. Commission members who are representatives of postsecondary education institutions shall not vote on scholarship awards pursuant to sections 85-980 to 85-9,102 or any financial aid program for postsecondary students. A majority of commission members from the general public must be present to constitute a quorum whenever institutional representatives are disqualified from voting.”.

2. On page 11, lines 12 and 25; page 12, line 6; page 13, line 2; page 14, line 27; and page 16, lines 11 and 22, after “7” insert “and 10”.

3. In the Standing Committee amendments:

a. On page 1, strike beginning with “line” in line 1 through “in” in line 3; and in line 3 after “11” insert a comma; and

b. Strike amendment 5.

4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 813. Title read. Considered.

Mr. Hannibal asked unanimous consent to withdraw his pending amendment, AM2094, found in the Journal on page 1220. No objections. So ordered.

Mr. Hannibal offered the following amendment:

On page 8, line 6, after “for” insert “the first fifty-one hundredths of one percent of anticipated population increase and for”; in line 7 after “of” insert “fifty-one hundredths of.”

The Hannibal amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Pappas moved to indefinitely postpone LB 813.

Mr. V. Johnson moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Newell requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 26:

Abboud Barrett Beyer Chronister Eret
Goll Harris Jacobson Johnson, R. Kahle
Kilgarin Labedz Landis Lundy Marsh
McDonald Morehead Pappas Peterson, H. Peterson, R.
Remmers Rupp Scofield Sieck Warner
Withem

Voting in the negative, 10:

Beutler Carsten Hannibal Hefner Higgins
Johnson, L. Johnson, V. Newell Von Minden Wesely

Present and not voting, 9:

Chambers Fenger Goodrich Lamb Nichol
Pirsch Schmit Vickers Wagner

Excused and not voting, 4:

Clark DeCamp Haberman Hoagland

The Pappas motion to indefinitely postpone prevailed with 26 ayes, 10 nays, 9 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 880. Placed on General File as amended.
Standing Committee amendments to LB 880:
AM2438

1. Strike original sections 1 to 5 and 8 to 10.

2. On page 4, line 26, after "to" insert "continue to"; and in line 27 strike "an", show as stricken, and insert "the".

3. On page 5, line 1, strike "adequate", show as stricken, and insert "current"; in lines 1, 3, 4, and 5 strike the new matter and reinstate the stricken matter; in lines 6 and 7 strike the new matter and insert "forty- four dollars and forty- seven"; in line 9 strike the new matter and insert "twelve dollars and eight"; in line 11 strike the new matter and insert "fifty- nine dollars and twenty- three"; in lines 17 and 18 strike the new matter and reinstate the stricken matter; and in line 22 after the period insert "The Risk Manager may develop bid specifications which provide for

various forms of plan design and funding methods, including plans of self- insurance or any combination of such methods.”.

4. Insert the following new sections:

“Sec. 3. This act shall become operative on July 1, 1984.

Sec. 4. That original section 44-1622, Revised Statutes Supplement, 1982, and section 44-1620.01, Revised Statutes Supplement, 1983, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

5. Renumber remaining sections accordingly.

LEGISLATIVE BILL 1034. Placed on General File as amended.
Standing Committee amendment to LB 1034:
AM2453

1. On page 2, line 2, strike “154,275” and insert “44,000”; strike beginning with “salaries” in line 7 through “Program” in line 8 and insert “funding for the Veterinary Diagnostic Program in order to provide for diagnostic tests not currently conducted”; and strike lines 9 through 12.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 229 in the Journal. No objections. So ordered.

AM2461

1. Insert the following new section:

“Sec. 2. A library or its agent or employee who causes, pursuant to his or her duties, the detention or arrest of any person, whether on or off the library premises, shall not be held civilly liable for unlawful detention, slander, malicious prosecution, false imprisonment, false arrest, or assault and battery of the person so arrested, unless excessive or unreasonable force is used. This section shall provide immunity if in causing the arrest of such person, the library or its agent or employee had, at the time of such arrest, probable cause to believe that the person committed willful concealment of library material.”.

2. Renumber the remaining section accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 880A. By Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 880, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 695. E & R amendments, AM5326, found in the Journal on page 1355 for the Fortieth Day were adopted.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz renewed her pending amendment, AM2032, found in the Journal on page 1283.

The Labedz amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Messrs. Pappas and Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM2337, found in the Journal on page 1433.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Landis amendment lost with 17 ayes, 26 nays, and 6 excused and not voting.

The Chair declared the Call raised.

Speaker Nichol asked unanimous consent to be excused until he

returns. No objections. So ordered.

Mrs. Labedz requested a record vote on the advancement of the bill.

Voting in the affirmative, 35:

Abboud Barrett Beutler Beyer Carsten
Chronister DeCamp Eret Fenger Goodrich
Haberman Hefner Higgins Jacobson Johnson, L.
Johnson, V. Kahle Kilgarin Labedz Lamb
McDonald Newell Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Schmit Scofield
Sieck Von Minden Warner Wesely Withem

Voting in the negative, 7:

Chambers Hannibal Harris Landis Lundy
Marsh Morehead

Present and not voting, 4:

Goll Nichol Vickers Wagner

Excused and not voting, 3:

Clark Hoagland Johnson, R.

Advanced to E & R for Engrossment with 35 ayes, 7 nays, 4 present and not voting, and 3 excused and not voting.

MESSAGE FROM THE GOVERNOR

March 13, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 752 was received in my office on March 7, 1984.

This bill was signed by me on March 13, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

March 13, 1984

Senator Bill Nichol
Speaker of the Legislature
2nd Floor
State Capitol Bldg.
Lincoln, NE

Dear Speaker Nichol,

After public hearing the Nebraska Retirement Systems Committee recommends that the Legislature confirm the following appointments to the Public Employees Retirement Board:

Anne Brookes, Lincoln
Tamara Brandt, Kearney
Philip Kaldahl, Bellevue

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 962 in the Journal. No objections. So ordered.

AM2449

1. In the Carsten amendments, AM 2269:

a. On page 1, line 23, strike "lines 11 and 12, strike"; and

b. On page 2 line 1 strike " 'corporate franchise,' and".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 249, 453, and 453A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 453

The following changes, required to be reported for publication in the Journal, have been made:
ER0183
1. In lieu of the L. Johnson amendment adopted February 16, 1984, on page 2, line 5, “federally” has been inserted after “separate”.

(Signed) Mary Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Messrs. H. Peterson and DeCamp asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2426
(Amendments to the Standing Committee Amendments)

1. On page 17, after line 16, insert “In addition to any other examinations required by law and before a teacher commences his or her first job within the teaching profession, such teacher shall be required to take a nationally recognized teacher competency examination. The examination results of all teachers taking the examination each year shall be used to establish a state average score on such examination.”.

Messrs. H. Peterson and DeCamp asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2456
(Amendments to Standing Committee Amendments)

1. On page 1, line 5, after “public” insert “and private” and strike “system” and insert “systems”.

2. On page 2, line 8, after “public” insert “and private”; in line 14 after “Nebraska’s” insert “public and private” and strike “system” and insert “systems”; and in lines 16 and 24 after “public” insert “, private, denominational, and parochial”.

3. On page 3, line 11, after “public” insert “and private” and strike “system” and insert “systems”;

in line 13 after "public" insert "and private"; in line 15 after the comma insert "private, denominational, and parochial schools,"; and in line 16 strike "a", after "quality" insert "public and private", and strike "system" and insert "systems".

4. On page 5, line 18, after "schools" insert "which have met the requirements for legal operation prescribed in Chapter 79".

5. On page 7, line 26, strike "and" and "in", show as stricken, and insert ". In".

6. On page 8, line 2, strike the second comma, show as stricken, and insert an underscored colon; in line 3 strike "provide", show as stricken, and insert "Provide"; in line 9 after "all" insert "public, private, denominational, or parochial"; in line 11 after the period insert "All public, private, denominational, or parochial schools shall either comply with the accreditation or approval requirements prescribed in this section and section 79-1247.02 or, for those schools which elect not to meet accreditation or approval requirements, the requirements prescribed in this section and subsection (2) of section 79-1701.", after "Such" insert "accreditation and approval", and strike "shall" and insert "may"; and in line 17 strike the comma, show as stricken, and insert ". Rules and regulations which govern procedures and standards for private, denominational, and parochial schools which elect, pursuant to the procedures prescribed in subsection (2) of section 79-1701, not to meet state accreditation or approval requirements shall be based upon evidence that such schools offer a program of instruction leading to the acquisition of basic skills in the language arts, mathematics, science, social studies, and health. Such rules and regulations may include a provision for the visitation of such schools and regular achievement testing of students attending such schools in order to insure that such schools are offering instruction in the basic skills listed in this subdivision. Any arrangements for visitation or testing shall be made through a parent representative of each such school. The results of such testing may be used as evidence that such schools are offering instruction in such basic skills, but shall not be used to measure, compare, or evaluate the competency of students at such schools;".

7. Insert the following new section:

"Sec. 21. That section 79-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1701. (1) All private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils. All private, denominational, and parochial schools shall have adequate equipment and supplies, and shall be graded the same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

(2) The following provisions shall apply to any private, denominational, and parochial school in the State of Nebraska which elects not to meet state accreditation or approval requirements. Elections pursuant to this subsection shall be effective when a statement is received by the Commissioner of Education signed by the parents or legal guardians of all children attending such private, denominational, or parochial school stating that (a) the requirements for approval and accreditation required by law and the rules and regulations adopted and promulgated by the State Board of Education violate sincerely held religious beliefs or principles of conscience of the parents or legal guardians, (b) an authorized representative of such parents or legal guardians will at least annually submit the information necessary to prove that the requirements of subdivisions (i) to (iii) of this subsection are satisfied to the Commissioner of Education, (c) the school offers the courses of instruction required by this subsection and section 79- 328, and (d) the parents or legal guardians have satisfied themselves that individuals offering instruction at such school are qualified to offer instruction in the basic skills as required by this subsection and section 79- 328 and that such individuals have demonstrated an alternative competency to instruct or supervise children pursuant to this subsection. Each such school shall (i) meet

minimum requirements relating to health, fire, and safety standards prescribed by state law and the rules and regulations of the State Fire Marshal, (ii) report attendance pursuant to section 79-201, and (iii) maintain a sequential program of instruction designed to lead to basic skills in the language arts, mathematics, science, social studies, and health. The State Board of Education shall establish procedures for receiving information and reports required by this section from authorized parent representatives who may act as agents for parents of students attending such school and for individuals offering instruction in the basic skills required by this subsection. Individuals employed by the schools which elect not to meet accreditation or approval requirements shall not be required to meet the certification requirements prescribed in Chapter 79, article 12 but shall demonstrate alternative competency to instruct or supervise children by (A) attaining an adequate score or rating based on the state or national average score or rating, whichever is greater, on appropriate subject matter components of a nationally recognized teacher competency examination or (B) receiving a satisfactory evaluation of competence to provide instruction in the basic skills required by this subsection based on informal methods of evaluation which shall be established by the State Board of Education. The demonstration of competency to provide instruction in a private denominational, or parochial school which has elected not to meet state accreditation or approval requirements shall in no way constitute or be construed to grant a license, permit, or certificate to teach in the State of Nebraska. Any school which elects not to meet accreditation or approval requirements and does not meet the requirements of this section shall not be deemed a school for purposes of section 79-201 and the parents or legal guardians of any children attending such school shall be subject to prosecution pursuant to section 79-201 or any statutes relating to habitual truancy.".

8. On page 40, line 21, after "79-1340," insert "79-1701,".

9. Renumber the remaining sections accordingly.

Messrs. H. Peterson and DeCamp asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2457
(Amendments to AM2456)

1. On page 3, strike beginning with the first comma in line 4 through “schools” in line 6.

2. Insert the following new amendment:

“7. On page 9, strike beginning with ‘if’ in line 5 through the comma in line 6 and show as stricken.”.

3. Renumber the remaining amendments accordingly.

Messrs. H. Peterson and DeCamp asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2458
(Amendments to AM2456)

1. On page 5, line 17, strike “an”; in line 18 strike “adequate score or” and insert “a” and strike “or national”; and in line 19 strike “score or” and strike “, whichever is greater,”.

SELECT FILE

LEGISLATIVE BILL 809. E & R amendments, AM5345, found in the Journal on page 1424 for the Forty-First Day were adopted.

Mr. Beutler moved to indefinitely postpone LB 809.

Mr. R Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Newell requested a roll call vote on the Beutler motion to indefinitely postpone.

Voting in the affirmative, 11:

Beutler Kahle Lamb Lundy Marsh
Peterson, H. Remmers Sieck Vickers Wagner
Warner

Voting in the negative, 27:

Abboud	Beyer	Carsten	Chambers	DeCamp
Fenger	Goodrich	Haberman	Hannibal	Hefner
Higgins	Jacobson	Johnson, V.	Kilgarin	Labedz
Landis	McDonald	Morehead	Newell	Pappas
Pirsch	Rupp	Schmit	Scofield	Von Minden
Wesely	Withem			

Present and not voting, 7:

Barrett	Chronister	Eret	Goll	Harris
Johnson, L.	Nichol			

Excused and not voting, 4:

Clark	Hoagland	Johnson, R.	Peterson, R.

The Beutler motion lost with 11 ayes, 27 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment:
On page 2 line 10 change the word "three" to "one"

SPEAKER NICHOL PRESIDING

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment lost with 5 ayes, 15 nays, 24 present and not voting, and 5 excused and not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Newell requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud	Barrett	Carsten	Chronister	DeCamp
Fenger	Goll	Haberman	Harris	Hefner
Higgins	Jacobson	Johnson, L.	Johnson, V.	Kilgarin
Landis	McDonald	Morehead	Newell	Pappas
Peterson, H.	Pirsch	Rupp	Schmit	Scofield

Von Minden
Withem

Voting in the negative, 11:

Beutler
Beyer
Kahle
Lamb
Lundy
Marsh
Nichol
Remmers
Sieck
Vickers
Wagner

Present and not voting, 7:

Chambers
Eret
Goodrich
Hannibal
Labedz
Warner
Wesely

Excused and not voting, 4:

Clark
Hoagland
Johnson, R.
Peterson, R.

Advanced to E & R for Engrossment with 27 ayes, 11 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 801. E & R amendments, AM5346, found in the Journal on page 1439 for the Forty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 981. E & R amendments, AM5343, found in the Journal on page 1441 for the Forty-Second Day were adopted.

Mr. Vickers renewed his pending amendment, AM2443, found in this day's Journal.

Mr. Vickers moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Vickers amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Vickers asked unanimous consent to pass over LB 981. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 970A in the Journal. No objections. So ordered.

AM2463

1. On page 2, after line 9 insert:

"It is the intent of the Legislature that Chadron State College separately account for funds appropriated for the Masters of Business Administration program."; and after line 23 insert:

"It is the intent of the Legislature that Kearney State College separately account for funds appropriated for the Masters of Business Administration program.".

2. On page 3, after line 9 insert:

"It is the intent of the Legislature that Wayne State College separately account for funds appropriated for the Masters of Business Administration program.".

Mr. Eret asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2420

(Amendments to Standing Committee Amendments)

1. On page 7, line 26, strike "including educational service units".

2. On page 9, line 24, strike ", supervision,".

3. In the E & R amendments, strike amendment 4. f. and reletter the remaining amendments.

Mr. Eret asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2421

(Amendments to Standing Committee amendments)

1. On page 13, line 17, after "a" insert "recommended"; and in line 18 strike "standard".

2. On page 15, line 5, strike "State Board of Education" and insert "governing body of the school district"; in line 6 after "statewide" insert "core curriculum and".

Mr. Eret asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2422

(Amendments to Standing Committee Amendments)

1. On page 15, line 3, strike "eighty" and

insert “seventy”.

Mr. Eret asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2423
(Amendments to Standing Committee Amendments)

1. On page 17, line 17, after “all” insert “secondary”; and in line 23 after “levels” insert “for secondary teachers”.

2. On page 21, line 4, strike “Any teacher” and insert “All elementary teachers and any secondary teachers who are fifty-five years of age or older”; in line 5 strike “holds” and insert “hold”; strike beginning with “and” in line 6 through “older” in line 7; and in line 13 after “all” insert “secondary”.

ADJOURNMENT

At 4:37 p.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Wednesday, March 14, 1984.

Patrick J. O’Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 14, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 14, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Father Steve Prodromides, Greek Orthodox Church of the Annunciation, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Clark, Goodrich, V. Johnson, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1563, last line strike "1304" and insert "2304".
The Journal for the Forty-Fifth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 736, 820, 990, and 990A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 736

The following changes, required to be reported for publication in the Journal, have been made:
ER0187
1. On page 3, line 17, "charge" has been struck and "charges"

inserted.

Enrollment and Review Change to LB 820

The following changes, required to be reported for publication in the Journal, have been made:
ER0185
1. On page 1, line 4, "and" has been struck; and in line 5 "; and to declare an emergency" has been inserted after "section".

Enrollment and Review Changes to LB 990

The following changes, required to be reported for publication in the Journal, have been made:
ER0188
1. In lieu of the R. Peterson amendment adopted March 6, 1984:
a. On page 1, line 3, "cash" has been inserted after "a"; and
b. On page 3, lines 10, 15, and 18, "Cash" has been inserted after "Administration".
2. In the E & R amendment adopted March 6, 1984, on page 1, the matter beginning with "line" in line 1 through "in" in line 2 has been struck.

Enrollment and Review Change to LB 990A

The following changes, required to be reported for publication in the Journal, have been made:
ER0189
1. Because of the R. Peterson amendment to LB 990 adopted March 6, 1984, on page 2, lines 2 and 4, "Cash" has been inserted after "Administration".

(Signed) Mary Sommermeyer
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 291. Read. Considered.

LR 291 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 292. Read. Considered.

LR 292 was adopted with 27 ayes, 0 nays, and 22 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 658.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.14, Revised Statutes Supplement, 1983; to provide for certain license plates for physically handicapped people as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Barrett	Beyer	Carsten	Chronister
Eret	Fenger	Goll	Haberman	Hannibal
Harris	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	McDonald	Morehead
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Withem				

Voting in the negative, 0.

Present and not voting, 3:

Beutler	DeCamp	Marsh

Excused and not voting, 5:

Chambers	Clark	Goodrich	Johnson, V.	Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 799. With Emergency.

A BILL FOR AN ACT relating to corporations; to amend section 21-311, Reissue Revised Statutes of Nebraska, 1943; to provide a time limit for refunds of certain fees; to provide certain duties; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Eret	Fenger	Goll
Haberman	Hannibal	Harris	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
McDonald	Morehead	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Present and not voting, 1:

Marsh

Excused and not voting, 5:

Chambers	Clark	Goodrich	Johnson, V.	Newell

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 968.

A BILL FOR AN ACT relating to roads; to amend section 39-703, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty relating to road damage caused by mechanical malfunctions of irrigation equipment; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Barrett	Beyer	Carsten	Chronister
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Harris	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Kahle	Kilgarin

Labedz	Lamb	Landis	Lundy	Marsh
McDonald	Morehead	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 3:

Beutler	Johnson, R.	Vickers

Excused and not voting, 4:

Chambers	Clark	Johnson, V.	Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 979. With Emergency.

A BILL FOR AN ACT relating to crimes and punishments; to amend 28-612, Revised Statutes Supplement, 1983; to provide penalties for certain acts; to redefine a term; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Clark	Johnson, V.	Newell

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1045.

A BILL FOR AN ACT relating to cemeteries; to eliminate a provision relating to damage done in a cemetery as prescribed; and to repeal section 12-519, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chronister DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Kahle Kilgarin Labedz Lamb Landis
Lundy Marsh McDonald Morehead Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Clark Johnson, V. Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 1071.

A BILL FOR AN ACT relating to ground water; to amend sections 46-667 to 46-671, Reissue Revised Statutes of Nebraska, 1943, sections 46-663, 46-665, 46-672, 46-674, and 46-674.01, Revised Statutes Supplement, 1982, and sections 46-656, 46-657, 46-659 to 46-661, and 46-666, Revised Statutes Supplement, 1983; to change provisions relating to the citation of the Nebraska Ground Water Management and Protection Act and related statutes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Clark	Johnson, V.	Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 658, 799, 968, 979, 1045, and 1071.

GENERAL FILE

LEGISLATIVE BILL 880. Title read. Considered.

Standing Committee amendments, AM2438, found in the Journal on page 1591 for the Forty-Fifth Day were considered.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Standing Committee amendments were adopted with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 880A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 293.

Introduced by Wagner, 41st District; Newell, 13th District; Pirsch, 10th District; Kilgarin, 7th District; Beutler, 28th District; Hoagland, 6th District; McDonald, 31st District; Withem, 14th District; Hannibal, 4th District; Abboud, 12th District; Marsh, 29th District; V. Johnson, 8th District; Labedz, 5th District; Harris, 27th District; Wesely, 26th District; Goodrich, 20th District; Vickers, 38th District; Landis, 46th District.

WHEREAS, the Legislature wishes to recognize the dedication and efforts in the area of education by William L. Gogan, Elizabeth Dillon-Peterson, and Jack P. Taylor; and

WHEREAS, William L. Gogan has served as superintendent of the Ord Public Schools since 1968, has through his leadership and sound fiscal management helped Ord Public Schools attain an "AA" rating, which is Nebraska's highest accreditation classification, has served as president of the Nebraska Association of School Administrators, is a member of the Nebraska School Activities Association Board of Control, the executive council of the Nebraska Council of School Administrators, and the advisory board of Kearney State College, and helped Ord High School become a member of the one hundred outstanding high schools in Nebraska; and

WHEREAS, Elizabeth Dillon-Peterson has served as director of curriculum and staff development of the Lincoln Public Schools since 1969, lectures frequently on staff and curriculum development and authors numerous articles on these topics, and helped start the National Staff Development Council; and

WHEREAS, Jack P. Taylor has served as superintendent of the Omaha Public Schools since 1982, has led the urban school system through the closing of sixteen schools and court-ordered desegregation, and has set up a comprehensive computer literacy program and an adopt-a-school program for local businesses; and

WHEREAS, all three of these outstanding Nebraskans have been identified recently as being among North America's top one hundred executive educators by a nationally known education publication.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the dedicated service and achievements of William L. Gogan, Elizabeth Dillon-Peterson, and Jack P. Taylor.

2. That the Legislature send a copy of this resolution to William L. Gogan, Elizabeth Dillon-Peterson, and Jack P. Taylor.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1034. Title read. Considered.

Standing Committee amendment, AM2453, found in the Journal on page 1592 for the Forty-Fifth Day was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 941. Title read. Considered.

Standing Committee amendment, AM2247, found in the Journal on page 1450 for the Forty-Second Day was considered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 5 nays, and 25 not voting.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. L. Johnson asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT MCGINLEY PRESIDING

Mrs. Morehead and Speaker Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mrs. Pirsch requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Beutler Carsten Chambers Goodrich Hefner
Hoagland Johnson, V. Kahle Kilgarin Lamb
Landis Lundy Marsh Newell Peterson, H.
Peterson, R. Pirsch Sieck Wagner Warner
Wesely

Voting in the negative, 21:

Abboud Barrett Beyer DeCamp Eret
Fenger Goll Haberman Hannibal Harris
Higgins Jacobson Johnson, R. McDonald Pappas
Remmers Rupp Schmit Vickers Von Minden
Withem

Present and not voting, 2:

Labedz Scofield

Excused and not voting, 5:

Chronister Clark Johnson, L. Morehead Nichol

Failed to advance to E & R for Review with 21 ayes, 21 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 724 in the Journal. No objections. So ordered.

AM2441

1. Insert the following new section:
"Sec. 28. The department shall, after consultation with the boards, adopt and promulgate

necessary rules and regulations to carry out the provisions of the Nurse Practitioner Act.”.

2. On page 19, line 21, strike the new matter; in line 22 strike “6, 7, 12 to 16, 19, and 21” and insert “4, 10, and 25”; and in line 23 strike “to 23”.

3. On page 20, strike beginning with “board” in line 5 through “examiners” in line 6, show as stricken, and insert “boards”.

4. In the Standing Committee amendments, on page 6, line 10, after the semicolon insert “and”; and strike beginning with the semicolon in line 11 through the quotation marks in line 13.

5. In the E and R amendments, on page 2, line 14, strike “27” and insert “28”.

6. Renumber the remaining sections accordingly.

Mr. Kahle asked unanimous consent to print the following amendment to LB 941 in the Journal. No objections. So ordered.

AM2412

1. Insert the following new section:

“Section 1. It is the intent of the Legislature that, subsequent to the appropriations made for fiscal year 1984-85, funding for alcoholism and drug abuse services shall be based on demonstrated need, irrespective of the revenue collected by the tax imposed by section 53-160.”.

2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 830. Title read. Considered.

Standing Committee amendment, AM2027, found on page 1000, for the Twenty-Ninth Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment:

1. Insert a new section as follows:

"Section 1. That section 2-128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-128. There is hereby appropriated from the state General Fund to the Nebraska State Fairgrounds Building Fund from the gross sum wagered by the parimutuel method at race meetings conducted by the Nebraska State Board of Agriculture (a) until January 1, 1988, three per cent of any amount in excess of one million dollars and (b) commencing January 1, 1988 and until June 30, 1994, five per cent of any amount in excess of one million dollars, which amount is hereby appropriated to such fund for each fiscal year beginning with the fiscal year commencing July 1, 1974 and continuing for each fiscal year thereafter until June 30, 1994."

2. Renumber remaining sections accordingly.

3. On page 2, line 27, after "section" insert "2-128, Reissue Revised Statutes of Nebraska, 1943, and section".

4. On page 3, line 1, strike "is" and insert "are".

The Warner amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Speaker Nichol, Messrs. Barrett, R. Peterson, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Miss Kilgarin and Mrs. Morehead asked unanimous consent to print the following amendment to LB 891 in the Journal. No objections. So ordered.

AM2156
(Amendments to the Standing Committee Amendments)

1. On page 1, strike beginning with the first quotation mark in line 1 through the first quotation mark in line 3 and insert "licensed for the sale of alcoholic beverages, (iii)".

Mr. Schmit asked unanimous consent to print the following amendment to LB 985 in the Journal. No objections. So ordered.

AM2477
(Amendments to Final Reading Copy)

1. On page 3, line 7, strike "Construction" and insert "Expansion".

VISITORS

Visitors to the Chamber were Mr. Bob Gelsthrope and Mr. James Mueller from North Platte; 150 members of Nebraska Federation of Women's Clubs of Nebraska; and 12 students and teacher from Lexington.

RECESS

At 11:56 a.m., on a motion by Mr. Carsten, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. L. Johnson who was excused; and Messrs. Chronister, Clark, Newell, Schmit, Miss Kilgarin, Mesdames Morehead, and Pirsch who were excused until they arrive.

PRESIDENT MCGINLEY PRESIDING

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

AM2408
(Amendments to Standing Committee Amendments)

1. On page 24, line 6, after "recreation," insert "ground water recharge of well fields used to supply municipalities,"; and in line 20 after "recreation" insert ", ground water recharge of well fields used to supply municipalities,".

2. On page 27, line 6, after "recreation" insert ", ground water recharge of well fields used to supply municipalities,".

3. On page 28, line 11, after "recreation," insert "ground water recharge of well fields used to supply municipalities,".

RESOLUTIONS

LEGISLATIVE RESOLUTION 278. Read. Considered.

Mr. Haberman moved to indefinitely postpone LR 278.

Mr. Haberman asked unanimous consent to withdraw his pending motion to indefinitely postpone LR 278. No objections. So ordered.

Mr. DeCamp offered the following amendment to the resolution:

Strike all provisions of Resolution 278, and replace with following provisions:

WHEREAS, the Nebraska Legislature created a special committee to investigate affairs surrounding the insolvency of the Commonwealth Savings Company; and

WHEREAS, evidence disclosed during the course of such committee's hearings on February 24 and 25, 1984, that the Attorney General acted in a way which was improper and incongruous with his role as a public official in that regard; and

WHEREAS, each member of the Legislature reserves the right to have his or her individual reasons, based upon the testimony and exhibits presented to the Legislature's special committee, for concluding that Paul L. Douglas should be censured; and

WHEREAS, such actions by one public official cause a lack of faith and trust in all public officials; and

WHEREAS, it is the intent of the Legislature that Paul L. Douglas be publicly censured for his acts and omissions relating thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature does hereby incorporate by reference within this resolution the transcript of the testimony, and all exhibits relating thereto, presented to the special committee at its hearings on February 24 and 25, 1984, and which have been filed with the Clerk of the Legislature.
2. That the Legislature does hereby publicly censure Attorney General Paul L. Douglas for his acts and omissions committee as described in the aforementioned transcript and exhibits.
3. That the Clerk of the Legislature deliver a copy of this censure to Mr. Paul L. Douglas.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Chambers requested a record vote on the DeCamp amendment.

Voting in the affirmative, 13:

Abboud Clark DeCamp Goodrich Haberman
Jacobson Lamb Nichol Pappas Peterson, H.
Peterson, R. Remmers Schmit

Voting in the negative, 32:

Barrett Beutler Beyer Carsten Chambers
Eret Fenger Goll Hannibal Harris
Hefner Higgins Hoagland Johnson, V. Kahle
Kilgarin Labedz Landis Lundy Marsh
McDonald Morehead Newell Pirsch Rupp
Scofield Sieck Vickers Wagner Warner
Wesely Withem

Present and not voting, 2:

Johnson, R. Von Minden

Excused and not voting, 2:

Chronister Johnson, L.

The DeCamp amendment lost with 13 ayes, 32 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Warner offered the following amendment:
AM2326

1. Strike the final three lines of the resolution appearing on page 1317 of the Journal and insert:

"NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the actions or omissions of Paul L. Douglas, Attorney General of the State of Nebraska, herein set forth, are hereby condemned.

2. That a copy of this resolution be delivered to Paul L. Douglas, Attorney General of the State of Nebraska.

3. That a copy of this resolution be delivered to Dennis Carlson, Counsel for Discipline, Nebraska State Bar Association.".

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

The Warner amendment was adopted with 36 ayes, 3 nays, 8 present and not voting, and 2 excused and not voting.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 15 nays, and 10 not voting.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers requested a record vote on the adoption of LR 278.

Voting in the affirmative, 36:

Barrett
Beutler
Beyer
Carsten
Eret
Fenger
Goll
Hannibal
Hefner
Higgins
Hoagland
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 7:

Abboud
Clark
DeCamp
Goodrich
Haberman
Jacobson
Remmers

Present and not voting, 4:

Chambers
Harris
Labedz
Pappas

Excused and not voting, 2:

Chronister
Johnson, L.

LR 278, as amended, was adopted with 36 ayes, 7 nays, 4 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

Governor Appointments Tuesday, March 27, 1984 1:00 p.m.
Dr. Greg Wright - Director - Department of Health
Mrs. Helen Boosalis - Director - Department of Aging
State Foster Care Review Board
Ms. Amy Richardson
Mr. Roger Lott

Advisory Committee to the Departments of Public Institutions, Public Welfare and Correctional Services.
Ms. Ella Ochoa
Mr. Bernard R. Gyger

State Board of Health
Dr. William V. Drost
Dr. Craig B. Nelson
James W. Kenney
Dr. Peter R. Kongstvedt
Lynn A. Roper
Arlene Rhodes
Larry B. Bartels
Marita Fickes

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

AM2478
(Amendments to the Vickers Amendments, AM2383)

1. On page 11, line 11, after the period insert:

"The State Board of Education shall establish procedures for receiving information from parent representatives about the individuals employed by such schools to monitor instruction. Such parent representatives may transmit test results, educational transcripts, or diplomas and other information required by the board pursuant to its duty to develop alternative evaluation procedures.

The results of such testing or alternative evaluation of individuals who monitor the instruction of students attending such schools may be used as evidence that such schools are offering adequate instruction in the basic skills prescribed in this subsection and section 79-328, but shall not be used to prohibit any such school from employing such individuals."; and start a new paragraph beginning with "The".

Mr. Vickers asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

AM2479
(Amendments to the Vickers Amendment, AM2383)

1. On page 11, line 11, after the period insert:

"The State Board of Education shall establish procedures for receiving information from parent representatives about the individuals employed by such schools to monitor instruction. Such parent representatives may transmit test results, educational transcripts, or diplomas and other information required by the board pursuant to its duty to develop alternative evaluation procedures."; and start a new paragraph beginning with "The".

Mr. Vickers asked unanimous consent to print the following amendment to LB 341 in the Journal. No objections. So ordered.

AM2480
(Amendments to AM2374)

1. On page 5, line 14, after "operations" insert "and for Class II, III, IV, and V school districts, such levy shall be eighty-six cents per hundred dollars of actual valuation for school operations".

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 14, 1984, at 10:15 a.m., were the following bills: 658, 799, 968, 979, 1045, and 1071.

(Signed) Pam Moravec, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 882. Placed on Select File.

LEGISLATIVE BILL 884. Placed on Select File as amended.
E & R amendments to LB 884:

AM5378

1. In the Schmit amendment, AM2266, adopted March 12, 1984, on page 1, line 4, strike "23" and insert "25".

2. In the Standing Committee amendment, AM2258, adopted March 12, 1984, on page 9, line 7, remove the underscoring.

3. On page 1, line 4, after "sections" insert "1," and strike the fourth comma and insert "to"; and in line 5 after "53," insert "58,".

4. On page 14, line 25, strike "Aged Survivors", show as stricken and insert "Age and Survivors'".

5. On page 24, line 14; and page 26, line 6, after "of" insert "United States".

6. On page 31, lines 6 and 12; and page 60, line 3, strike "Public Welfare", show as stricken, and insert "Social Services".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

AM2475
(Amendments to Standing Committee amendments)

1. Strike amendment 1 and insert a new amendment as follows:

"1. On page 9, strike beginning with "No" in line 7 through the period in line 10, show the old matter as stricken, and insert:

'(1) The department shall recommend an appropriate regulatory policy for controlling mining to be presented to the council and the Legislature by January 1, 1986. The department shall evaluate all reasonable regulatory options for addressing the impacts on air, land, and water quality of mining by methods other than mineral production and injection wells which are presently regulated. The department shall examine and consider regulatory programs created by other states and the federal government, their applicability to Nebraska, and their success in the states or areas where they are used and shall consider, but not be limited to, the following policy options:

(a) The development of surface and shaft mining regulations;

(b) The development of regulations addressing appropriate development, mitigation, or reclamation standards for mining or mining related activities;

(c) The appropriateness of developing regulations addressing ground or surface water use standards for mining or mining related activities as a means of limiting the impact of uranium mining on land and water resources; and

(d) The use of any other existing state regulatory programs to control or regulate the impacts of uranium mining on land and water resources.

(2) The department shall perform the evaluation in cooperation with other state agencies which have or could have a role in regulating the impacts of uranium mining on Nebraska's people and resources or in controlling other mining activities. The department shall also create a citizen advisory panel, of interested or affected parties, which shall be consulted for its input and opinion on the results of the evaluation of regulatory options.

(3) Uranium mining by any method other than mineral production and injection wells shall be prohibited until September 1, 1986. Upon receipt of evidence that uranium mining by any method other than by mineral production and injection wells or related activities are presenting or are likely to present an imminent and substantial threat to the environment, the director shall petition the district court for an injunction to immediately restrain any person from contributing to the alleged acts or to require any person to stop such acts or to take such other action as may be necessary. It shall be the duty of each county attorney or the Attorney General to whom the director reports a violation to cause appropriate proceedings to be instituted without delay to assure compliance with this section.' ".

Mr. Newell asked unanimous consent to print the following amendment to LB 981 in the Journal. No objections. So ordered.

AM2467

1. Insert the following new sections:

"Sec. 16. That section 85-917, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

85-917. The Legislature hereby declares that it is the intent and purpose of this act to provide statements of role and mission for the state's systems and institutions of postsecondary education which will:

(1) Provide for a coordinated state system of postsecondary education;

(2) Provide for the maintenance and development of quality postsecondary educational programs and services for all citizens in all regions of the state;

(3) Insure student and community access to comprehensive educational programs;

(4) Limit unnecessary program and facility duplication through a coordinated planning and review process;

(5) Encourage statewide long-term academic and fiscal planning for postsecondary education in the state; ~~and~~

(6) Establish a legislative review process to insure that (a) role and mission statements are updated as necessary and (b) postsecondary institutions are complying with role and mission assignments and are serving a valuable purpose to the state within their current role and mission assignments; and

(7) Provide a mechanism for (a) implementing an extensive change in the scope, role, and mission of a campus, (b) closing a campus, (c) merging campuses, and (d) changing a campus to serve a completely different public purpose.

Sec. 17. That section 85-974, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-974. The commission shall:

(1) Review and verify all information submitted by public postsecondary systems and institutions as part of the Higher Education General Information Survey and make such corrections in the submitted information as are necessary;

(2) Prepare and disseminate an annual report of the information submitted by each public postsecondary system and institution and those private institutions willing to cooperate as part of the Higher Education General Information Survey;

(3) Collect, verify, and audit all information

submitted by public postsecondary systems and institutions as part of the information system under sections 85-970 and 85-971; ~~and~~

(4) Prepare an annual report by July 1 of each year of the information submitted as a part of the information system under procedures established by the committee;

(5) Establish a system of review which will allow the commission to study each public postsecondary institution once every five years to determine whether the institution continues to serve a valuable purpose to the state. For the purposes of this section valuable purpose shall mean a favorable assessment in at least half of the following areas of review: (a) Minimum enrollment necessary to be cost-effective is reached; (b) enrollment is stable or increasing; (c) the awarding of diplomas, certificates, and degrees in programs that are offered is occurring at a yearly rate of at least ten awards at the baccalaureate level or below, five awards at the master's degree level, and three awards above the master's degree level; (d) average educational and general expenditures per full-time student are within twenty-five per cent of the average costs at other similar state institutions; (e) the ratio of faculty members to students is within twenty-five per cent of the ratio at other similar state institutions; (f) library facilities meet the American Library Association standards; (g) faculty salary levels, as compared to salary levels in similar institutions in neighboring states, are at the midpoint or above of similar institutions in neighboring states; (h) the square feet of instructional space per full-time equivalent student does not exceed the seventy-fifth percentile of similar institutions listed by the National Center for Education Statistics; (i) the percentage of tenured faculty does not exceed sixty-seven per cent of full-time faculty; and (j) at least fifty per cent of educational and general funds are spent for instructional purposes;

(6) Determine how to apply the criteria listed in subdivision (5) of this section in consultation with the Education Committee of the Legislature and hold a public hearing on its decision prior to implementing the review system; and

(7) Upon completion of a study made pursuant

to subdivision (5) of this section, publish the review and recommendations for the campus which was the subject of the study, including, but not limited to, any specifically recommended improvements for the campus, any proposed change in role and mission, and any proposed closure, merger, or complete change of use of the campus and make the study available to the Legislature, appropriate institutions, and the general public.

Sec. 18. (1) The Nebraska Coordinating Commission for Postsecondary Education shall study and recommend to the Education Committee of the Legislature by October 1, 1984, appropriate levels of student tuition for each public postsecondary institution in this state. The study shall take into consideration:

(a) Tuition levels at campuses throughout the country that have similar programs and are of the same approximate size;

(b) Program costs per student for different levels of education including professional degrees;

(c) The availability of grants, loans, work-study programs, and other forms of student aid which might augment the ability of the student to pay tuition; and

(d) Other methods of assessing appropriate tuition levels as determined by the commission.

(2) The study results and recommendations shall be published and shared with the appropriate institutions and the general public.

(3) Upon the receipt of the results and recommendations of the commission, the Education Committee shall schedule and conduct a public hearing to review the study on or before December 1, 1984.

(4) The commission shall biennially conduct a similar study of student tuition and shall report its findings by October 1 of the year of the study to the Education Committee. The committee shall schedule and conduct a hearing to review the study on or before December 1 of each year a study is provided to it.".

2. On page 17, line 16, strike "and" and after "85-913," insert "85-917, and 85-974,".

3. Renumber remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 845 in the Journal. No objections. So ordered.

AM2430
(Amendments to Standing Committee Amendments, AM1949)

1. On page 1, line 1, after “22” insert “, 27” and strike “27” and insert “29”.

2. Strike amendment 7.

3. On page 8, line 23, strike “strike lines 1 and 2; in”; in line 24 after “9” insert a comma; and in line 26 after the semicolon insert “in line 12 strike ‘43-512.01, and 43-512.02’ and insert ‘and 43-512.01’;”.

4. Renumber the remaining amendments accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 466, 466A, 758, and 1039.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 466

The following changes, required to be reported for publication in the Journal, have been made:
ER0184

1. In lieu of the Vickers amendment adopted March 6, 1984, in the Vickers amendment, AM1900, adopted February 6, 1984, on page 1, the matter beginning with “line” in line 1 through “in” in line 3 has been struck.

2. On page 1, line 1, “37-430 to” has been inserted after “sections”.

Enrollment and Review Change to LB 758

The following changes, required to be reported for publication in the Journal, have been made:
ER0186

1. In the Pappas and Newell amendment adopted on March 6, 1984, on page 1, line 1, underscoring has been inserted under the period; in line 3, “Provided, however, that if” has been struck and “If” inserted; in line 4 an underscored comma has been inserted after “permit” ; in line 5 “state” has been struck and “State” has been inserted; and in lines 7 and 12 “Section” has been struck and “section” inserted.

2. On page 1, line 4, “collected” has been struck and “collections” has been inserted; and in line 5 “to require a surety bond;” has been inserted after the first semicolon.

Enrollment and Review Change to LB 1039

The following changes, required to be reported for publication in the Journal, have been made:
ER0190

1. In lieu of the Clark amendments and Beutler amendments adopted February 21, 1984, and the V. Johnson amendments adopted March 6, 1984, in the Special Committee amendments adopted February 8, 1984, on page 1, the matter beginning with "Sec." in line 2 through line 9 and all amendments thereto have been struck and the following has been inserted:

"Sec. 5. Any person who violates any of the provisions of a final order issued by the Director of Banking and Finance shall be liable to any person or entity who suffers damage proximately caused by such violation. Any person who knowingly violates any final order issued by the Director of Banking and Finance pursuant to section 1 of this act shall be guilty of a Class I misdemeanor.".

2. In the E & R amendments adopted February 21, 1984, on page 1, line 9, "lines 1 and" has been struck and "line" inserted.

3. On page 2, line 4, "department" has been struck and "Department of Banking and Finance" has been inserted.

(Signed) Mary Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 277. Considered.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wagner requested a record vote on the adoption of LR 277.

Voting in the affirmative, 27:

Beutler
Chambers
Eret
Hannibal
Harris
Hefner
Higgins
Hoagland
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Pirsch
Rupp
Scofield
Sieck
Vickers
Von Minden
Wesely
Withem

Voting in the negative, 19:

Abboud
Barrett
Beyer
Carsten
Clark

DeCamp Fenger Goll Goodrich Haberman
Jacobson Lamb Nichol Pappas Peterson, R.
Remmers Schmit Wagner Warner

Present and not voting, 1:

Peterson, H.

Excused and not voting, 2:

Chronister Johnson, L.

LR 277 was adopted with 27 ayes, 19 nays, 1 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal and Mrs. Labedz asked unanimous consent to print the following amendment to LB 925 in the Journal. No objections. So ordered.

AM2451
(Amendments to Standing Committee amendments, AM1964)

1. On page 1, line 17, after "31-755" insert "unless provided in the agreement for contracted services".

2. On page 2, lines 4 and 17, after "31-755" insert "unless provided in the agreement for contracted services"; and in line 26 strike beginning with "line" through "the".

3. On page 3, strike beginning with "approval" in line 1 through "the" in line 4 and insert "strike the new matter in lines 4 through 14 and insert 'The' "; in line 5 strike "ten days before" and insert "five days after"; in line 6 after "the" insert "city or"; in line 15 strike "and" and insert "or"; strike beginning with "after" in line 15 through line 26 and insert "and strike beginning with 'Such' in line 7 through line 27 and insert 'Any sanitary and improvement district may enter into an agreement with the county or municipality within whose zoning jurisdiction it lies which provides for the nature of improvement and the funding of the debt incurred to install and maintain such improvements.' ".

4. On page 4, strike lines 1 through 14.

5. Strike original amendments 12 and 13 and

insert new amendments as follows:

"11. On page 19, lines 20 and 21, strike the new matter and reinstate the stricken matter.

12. Strike original sections 8 to 17.

13. On page 26, line 5, strike the last comma and insert 'and'; and in line 6 strike 'and 31-771,'.".

6. On page 5, strike beginning with "and" in line 20 through "director" in line 21.

7. Renumber remaining amendments accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 294.

Introduced by Schmit, 23rd District; Warner, 25th District.

WHEREAS, the Raymond Central girls basketball team captured the Class B state basketball championship; and

WHEREAS, the Lady Mustangs toppled two previously unbeaten teams on the way to their Class B crown; and

WHEREAS, the accomplishment of the Raymond Central Lady Mustangs and Coach Leo Jelinek deserves special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends and congratulates Coach Leo Jelinek and the Lady Mustangs on their championship.

2. That a copy of this resolution be sent to Coach Leo Jelinek and the Raymond Central girls basketball team.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2483

1. Strike the Lamb amendment, AM2127.

2. In the Standing Committee amendments, AM2088:

a. Insert new sections as follows:

"Sec. 23. Sections 4 to 6 and 25 of this act shall be operative for all school years commencing on or after August 1, 1985. The remaining sections shall become operative on their effective date.

Sec. 25. That original sections 79-201, 79-201.06, and 79-328, Reissue Revised Statutes of Nebraska, 1943, are repealed.";

b. On page 40, strike beginning with "79-201" in line 19 through the second comma in line 20; and

c. Renumber remaining sections accordingly.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM2241

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 28-1101, Revised Statutes Supplement, 1983, be amended to read as follows:

28-1101. As used in this article, unless the context otherwise requires:

(1) A person advances gambling activity if, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but shall not be limited to conduct directed toward (a) the creation or establishment of the particular game, contest, scheme, device, or activity involved or (b) the acquisition or maintenance of premises, paraphernalia, equipment, or apparatus therefor;

(2) Bookmaking shall mean advancing gambling activity by unlawfully accepting bets from members of the public as a business upon the outcome of future contingent events;

(3) A person profits from gambling activity if, other than as a player, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of gambling activity;

(4) A person engages in gambling if he or she bets something of value upon the outcome of a future event, which outcome is determined by an element of chance, or upon the outcome of a game, contest, or election, or conducts or participates in any lottery or scheme not authorized or conducted pursuant to sections 28-1114 to 28-1116.01, or conducts or participates in any bingo or lottery by the sale of pickle cards not

authorized or conducted pursuant to the Nebraska Bingo and Pickle Card Regulatory Act, but a person does not engage in gambling by:

(a) Entering into a lawful business transaction;

(b) Playing an amusement device or a coin-operated mechanical game which confers as a prize an immediate, unrecorded right of replay not exchangeable for something of value;

(c) Conducting or participating in a prize contest;

(d) Conducting or participating in a contest, lottery, raffle, or gift enterprise conducted in accordance with the provisions of sections 28-1113 to 28-1116.01; or

(e) Participating in or conducting bingo or participating in or conducting a lottery by the sale of pickle cards pursuant to the Nebraska Bingo and Pickle Card Regulatory Act;

(5) Gambling device shall mean any device, machine, paraphernalia, writing, paper, instrument, article, or equipment that is used or usable for engaging in gambling, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. Gambling device shall also include any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes, except as authorized in the furtherance of parimutuel wagering. Bingo supplies and equipment as defined in section 9-129, pickle cards as defined in section 9-140.01, pickle card units as defined in section 9-140.05, and tickets, cards, and other items used in the playing phases of schemes defined in sections 28-1113 to 28-1116.01~~,~~ are not gambling devices within this definition;

(6) Lottery shall mean a gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones, (b) the winning chances are to be determined by a drawing or by some other method

based on an element of chance, and (c) the holders of the winning chances are to receive something of value. Lottery shall not include any gambling scheme which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes;

(7) Something of value shall mean any money or property, any token, object, or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service or entertainment;

(8) Prize contest shall mean any competition in which one or more competitors are awarded something of value as a consequence of winning or achieving a certain result in the competition and (a) the value of such awards made to competitors participating in the contest does not depend upon the number of participants in the contest or upon the amount of consideration, if any, paid for the opportunity to participate in the contest or upon chance and (b) the value or identity of such awards to be made to competitors is published before the competition begins;

(9) Gift enterprise shall mean a game in which prizes are offered and awarded to participants in such games when no payment is required for participation therein. For business promotion purposes only, such games may require as a condition of participation the evidence of the purchase of a product or other property, except that the price charged for such product or other property shall be no greater than it would be if no game were involved; and

(10) Raffle shall mean any gambling scheme in which: (a) Participants pay or agree to pay something of value for an opportunity to win something of value; (b) winning opportunities are represented by tickets or cards differentiated by numbers sequentially enumerated; and (c) winners are determined by a random drawing of the tickets or cards. Nothing in this subdivision shall be construed to include any bingo as defined in section 9-127 nor any lottery by the sale of pickle cards as defined in section 9-140.01.

Sec. 2. That original section 28-1101,

Revised Statutes Supplement, 1983, is repealed.".

MOTION - Reconsider Action on LR 278

Mr. V. Johnson moved to reconsider our previous action on LR 278.

Mr. V. Johnson asked unanimous consent to withdraw his pending motion. No objections. So ordered.

ADJOURNMENT

At 5:43 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Thursday, March 15, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 15, 1984

LEGISLATIVE JOURNAL

FORTY-SEVENTH DAY - MARCH 15, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 15, 1984

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend G.L. Collins, Mount Zion Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wesely who was excused; and Messrs. Abboud, Chambers, R. Johnson, V. Johnson, Sieck, Mesdames Higgins, Labedz, Morehead, Pirsch, Miss Kilgarin, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1307, line 26 strike "August 18" and insert "August 28".
The Journal for the Thirty-Ninth Day was approved as corrected.
The Journal for the Forty-Sixth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 277 and LR 278.

RESOLUTION

LEGISLATIVE RESOLUTION 293. Read. Considered.

LR 293 was adopted with 27 ayes, 0 nays, and 22 not voting.

MOTION - Return LB 152 to Select File

Mr. Schmit moved to return LB 152 to Select File for his specific amendment, AM2445, found in the Journal on page 1587.

The motion to return prevailed with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 152. The Schmit specific amendment, AM2445, found in the Journal on page 1587 was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 981. Mr. Newell renewed his pending amendment, AM2467, found in the Journal on page 1624.

Mr. Newell moved for a Call of the House. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

The Newell amendment was adopted with 25 ayes, 5 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Mr. Vickers offered the following amendment:
Strike section 19 of the bill which is the emergency clause.

The Vickers amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 981A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 682. E & R amendments, AM5352, found in the Journal on page 1499 for the Forty-Third Day were adopted.

Mr. Landis renewed his pending amendment, AM2316, found in the Journal on page 1433.

The Landis amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Lamb renewed his pending amendment, AM2055, found in the Journal on page 1059.

Mr. Lamb moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Beyer	Carsten	Chronister	Clark
DeCamp	Eret	Goodrich	Haberman	Hefner
Jacobson	Kahle	Lamb	Nichol	Peterson, H.
Peterson, R.	Remmers	Rupp	Schmit	Scofield
Sieck	Von Minden	Withem		

Voting in the negative, 15:

Beutler	Harris	Hoagland	Johnson, L.	Johnson, V.
Kilgarin	Landis	Lundy	Marsh	McDonald
Newell	Pirsch	Vickers	Wagner	Warner

Present and not voting, 7:

Barrett	Fenger	Goll	Hannibal	Johnson, R.
Morehead	Pappas			

Excused and not voting, 4:

Chambers	Higgins	Labedz	Wesely

The Lamb amendment lost with 23 ayes, 15 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Engrossment.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 14, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

MacLean, Chauncey A. - Lincoln, Nebraska Water Conservation Council

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1125A. By Nichol, 48th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1125, Eighty-eighth Legislature, Second Session, 1984.

CERTIFICATE

TO The Honorable Norman Kirvosha
Chief Justice of the Nebraska Supreme Court
State Capitol Building
Lincoln, Nebraska 68509

Pursuant to the provisions of Article III, Section 17, of the Constitution of the State of Nebraska, I am hereby serving upon you, in your capacity as Chief Justice of the Nebraska Supreme Court, a Resolution of Impeachment, Legislative Resolution #277, against Paul L. Douglas, Attorney General of the State of Nebraska.

This Resolution was adopted by a majority of the elected members of the Eighty-eighth Legislature, Second Session, on March 14, 1984.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Enclosure

SELECT FILE

LEGISLATIVE BILL 744. E & R amendments, AM5375, found in the Journal on page 1568 for the Forty-Fifth Day were adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM2395, found in the Journal on page 1505. No objections. So ordered.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Withem

Voting in the negative, 0.

Present and not voting, 2:

Kilgarin	Peterson, H.

Excused and not voting, 2:

Chambers	Wesely

Advanced to E & R for Engrossment with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules on LB 336

Mr. DeCamp moved to suspend the rules, Rule 5, Section 11, to permit withdrawal of LB 336.

The motion to suspend the rules prevailed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

MOTION - Withdraw LB 336

Mr. DeCamp moved to withdraw LB 336.

The motion to withdraw prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 861. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 671. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 915. E & R amendments, AM5366, found in the Journal on page 1574 for the Forty-Fifth Day were adopted.

Mrs. Higgins asked unanimous consent to withdraw her pending amendment found in the Journal on page 1489. No objections. So ordered.

Mrs. Higgins offered the following amendment:
1. Add a new Sec. 2 as follows:
Any person, firm or corporation who (a) receives money from a client, (b) transports or forwards the money to a licensed race track, and (c) places the money into the race track's pari-mutuel pool in a manner directed by the client, on the effective date of this act may continue such service at their present locations only until January 1, 1985.
2. Add the emergency clause.
3. Renumber sections accordingly.

Messrs. Barrett and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Higgins moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Beyer
Chambers
Clark
DeCamp
Eret
Goodrich
Hannibal
Harris
Higgins
Kilgarin
Labedz
Landis
McDonald
Morehead
Newell
Pappas
Schmit
Wagner
Withem

Voting in the negative, 20:

Abboud
Carsten
Hefner
Jacobson
Johnson, L.
Johnson, V.
Kahle
Lamb
Lundy
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Sieck
Vickers
Von Minden
Warner

Present and not voting, 5:

Chronister
Fenger
Goll
Johnson, R.
Scofield

Absent and not voting, 2:

Beutler Hoagland

Excused and not voting, 3:

Barrett Haberman Wesely

The Higgins amendment lost with 19 ayes, 20 nays, 5 present and not voting, 2 absent and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

LEGISLATIVE BILL 825. E & R amendments, AM5376, found in the Journal on page 1584 for the Forty-Fifth Day were adopted.

Messrs. Goll, Fenger, and Hefner offered the following amendment:
AM2469

1. On page 30, line 5, after "exchanges," insert "causes the sale of,".
2. On page 74, line 7, strike "fifty" and insert "forty".

Messrs. Pappas and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

The Goll-Fenger-Hefner amendment was adopted with 27 ayes, 4 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Jacobson offered the following amendment:
AM2329

1. On page 74, line 7, strike "fifty" and insert "twenty-five".

Mr. Jacobson moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Clark requested a roll call vote on the Jacobson amendment.

Voting in the affirmative, 28:

Abboud Beutler Carsten Chambers Clark
Eret Goodrich Haberman Harris Hoagland
Jacobson Johnson, R. Johnson, V. Kilgarin Labedz
Landis Marsh McDonald Newell Pirsch
Remmers Rupp Schmit Scofield Vickers

Von Minden Wagner Withem

Voting in the negative, 16:

Chronister DeCamp Fenger Goll Hannibal
Hefner Johnson, L. Kahle Lamb Lundy
Morehead Nichol Peterson, H. Peterson, R. Sieck
Warner

Present and not voting, 2:

Beyer Higgins

Excused and not voting, 3:

Barrett Pappas Wesely

The Jacobson amendment was adopted with 28 ayes, 16 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Messrs. Kahle and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 769. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 931. E & R amendment, AM5367, found in the Journal on page 1585 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 931A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 724. E & R amendments, AM5351, found in the Journal on page 1498 for the Forty-Third Day were adopted.

Mr. Fenger renewed his pending amendment, AM2441, found in the Journal on page 1614.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER NICHOL PRESIDING

The Fenger amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 724A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 975. E & R amendments, AM5353, found in the Journal on page 1525 for the Forty-Fourth Day were adopted.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 925. E & R amendments, AM5358, found in the Journal on page 1527 for the Forty-Fourth Day were adopted.

Mr. Withem offered the following amendment:
AM2486

1. On page 12, strike beginning with the first comma in line 8 through "or" in line 9.

2. Strike original sections 9 through 17 and all amendments thereto.

3. In the Standing Committee amendments on page 3, line 2, strike "ten" and insert "five"; in line 3 strike "before" and insert "after"; in line 5 strike "ten days before" and insert "five days after"; and strike beginning with the first comma in line 24 through the second "or" in line 25.

4. Renumber remaining sections accordingly.

MR. LANDIS PRESIDING

The Withem amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Hannibal and Mrs. Labedz asked unanimous consent to withdraw their pending amendment, AM2451, found in the Journal on page 1630. No objections. So ordered.

Messrs. Abboud and Harris asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hannibal and Mrs. Labedz offered the following amendment:

1. On p. 12, strike beginning with "Such" in line 7 through line 27.

2. In the SCA, on p. 3 in line 15, strike "and" and insert "or"; and strike beginning with "Such" in line 22 through the semicolon in line 26, and insert "Any sanitary and improvement district may enter into an agreement with the county or municipality within whose zoning jurisdiction it lies which provides for the nature of the improvement and the funding of the debt incurred to install and maintain such improvements.

3. In the SCA on p. 4, strike 1-14.

Messrs. Rupp, Chronister, and Goll asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hannibal moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Hannibal requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Beyer	Carsten	Clark	DeCamp	Hannibal
Hefner	Higgins	Jacobson	Johnson, R.	Kilgarin
Labedz	Lamb	McDonald	Schmit	Scofield
Sieck	Von Minden	Wagner	Withem	

Voting in the negative, 17:

Beutler	Eret	Goodrich	Hoagland	Johnson, L.
Johnson, V.	Kahle	Landis	Lundy	Marsh
Newell	Nichol	Pappas	Peterson, H.	Remmers
Vickers	Warner			

Present and not voting, 4:

Chambers	Fenger	Morehead	Pirsch

Excused and not voting, 9:

Abboud	Barrett	Chronister	Goll	Haberman
Harris	Peterson, R.	Rupp	Wesely	

The Hannibal-Labedz amendment lost with 19 ayes, 17 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

Messrs. L. Johnson, Sieck, Eret, Clark, and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Newell moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Newell moved to recess until 1:30 p.m. The motion lost with 6 ayes, 16 nays, 13 present and not voting, and 14 excused and not voting.

Mr. V. Johnson moved to indefinitely postpone LB 925.

Mr. Hannibal raised a point of order, requesting a ruling of the Chair on whether the motion is in order due to the fact the introducer was closing on the motion to advance the bill.

The Chair ruled the motion is in order.

Mrs. Labedz challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The Chair ruled that there should be limited debate on the issue of overruling the Chair.

Mr. Beutler raised a point of order on whether a motion to overrule the Chair is debatable.

The Chair ruled that debate can be limited.

Mr. Beutler moved to overrule the Chair on whether debate can be limited.

Mr. Beutler requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 15:

Beutler
Beyer
Clark
Hannibal
Higgins
Jacobson
Kahle
Kilgarin
Morehead
Pappas
Pirsch
Remmers
Vickers
Von Minden
Wagner

Voting in the negative, 13:

Fenger
Goodrich
Hefner
Hoagland
Johnson, V.
Labedz
Lamb
Landis
Lundy
Marsh
Peterson, H.
Scofield
Warner

Present and not voting, 6:

Carsten
DeCamp
Johnson, R.
Newell
Nichol

Withem

Absent and not voting, 2:

Chambers Schmit

Excused and not voting, 13:

Abboud Barrett Chronister Eret Goll
Haberman Harris Johnson, L. McDonald Peterson, R.
Rupp Sieck Wesely

The Beutler motion to overrule the Chair lost with 15 ayes, 13 nays, 6 present and not voting, 2 absent and not voting, and 13 excused and not voting.

Mrs. Labedz renewed her pending motion to overrule the Chair.

Mr. Lamb moved to adjourn. The motion lost with 7 ayes, 15 nays, 13 present and not voting, and 14 excused and not voting.

The Labedz motion to overrule the Chair prevailed with 19 ayes, 13 nays, 6 present and not voting, and 11 excused and not voting.

The Chair was overruled.

The V. Johnson motion to indefinitely postpone was ruled out of order.

Mrs. Labedz requested a machine vote on the advancement of the bill.

Mr. Newell requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Beutler Fenger Higgins Hoagland Johnson, V.
Kahle Landis Lundy Marsh Morehead
Newell Nichol Peterson, H. Pirsch Remmers
Rupp Scofield Vickers Von Minden Warner

Voting in the negative, 13:

Carsten Clark Goodrich Hannibal Hefner
Jacobson Johnson, R. Kilgarin Labedz Lamb
Pappas Wagner Withem

Present and not voting, 3:

Beyer	DeCamp	Sieck

Absent and not voting, 2:

Chambers	Schmit

Excused and not voting, 11:

Abboud	Barrett	Chronister	Eret	Goll
Haberman	Harris	Johnson, L.	McDonald	Peterson, R.
Wesely				

Failed to advance to E & R for Engrossment with 20 ayes, 13 nays, 3 present and not voting, 2 absent and not voting, and 11 excused and not voting.

The Chair declared the Call raised.

Messrs. R. Johnson, Schmit, and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Suspend Rules on LR 295

Mr. V. Johnson moved to suspend the rules, Rule 4 §6, to permit consideration of LR 295.

The motion to suspend the rules prevailed with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 295.

Introduced by V. Johnson, 8th District.

WHEREAS, on March 14, 1984, the Eighty-eighth Legislature, Second Session, of the Nebraska Legislature adopted LR 277, constituting a resolution of articles of impeachment against the Honorable Paul L. Douglas, Attorney General;

WHEREAS, the firm of Cook & Kopf, P.C., specifically Richard G. Kopf, has been retained by the Special Commonwealth Committee of the Legislature to conduct matters coming within the jurisdiction of said special Committee, including representation of the Committee respecting the conduct of the Honorable Paul L. Douglas;

WHEREAS, it is necessary to authorize the firm of Cook & Kopf, P.C., specifically Richard G. Kopf, to enter his appearance on behalf of the Eighty-eighth Legislature, Second Session in the Supreme Court of the State of Nebraska with respect to the resolution and articles of impeachment of the Honorable Paul L. Douglas;

WHEREAS, it is necessary to authorize the firm of Cook & Kopf, P.C., to associate with private outside counsel to assist in the trial and preparation of such matters;

NOW, THEREFORE, BE IT RESOLVED THAT, the firm of Cook & Kopf, P.C., specifically Richard G. Kopf, is retained by the Eighty-eighth Legislature, Second Session, of the Nebraska Legislature to appear before the Nebraska Supreme Court and to represent the interests of the Nebraska Legislature, with respect to the resolution and articles of impeachment respecting Paul L. Douglas, and it is further resolved that the firm of Cook & Kopf, P.C. may assist in the trial of said matter;

BE IT FURTHER RESOLVED THAT, Senators Jerome Warner and Vard Johnson are appointed Managers of said resolution and articles of impeachment and in such capacity shall consult with the firm of Cook & Kopf, P.C., with respect to the trial of said resolution and articles of impeachment;

BE IT FURTHER RESOLVED THAT, the Managers, Senators Jerome Warner and Vard Johnson, are authorized to negotiate a fair and equitable engagement agreement between the Nebraska Legislature and the firm of Cook & Kopf, P.C., and to thereafter bring said engagement letter to the attention of the body for approval.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

LR 295 was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

MOTION

Mr. V. Johnson moved the following:

Whereas, there is a need to meet necessary expenses associated with the administering and conducting of impeachment proceedings against the Attorney General of the State of Nebraska pursuant to provisions of LR 277, therefore,

BE IT RESOLVED that an expenditure of an amount not to exceed $40,000 of existing Legislative Council funds is authorized and approved for purposes of satisfying such expenses. Such amount shall not include funds for legal services for representing the Legislature in such proceedings, as authorized by provisions of LR 295.

SPEAKER NICHOL PRESIDING

The V. Johnson motion prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1019. E & R amendments, AM5373, found in the Journal on page 1568 for the Forty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 714. E & R amendments, AM5361, found in the Journal on page 1528 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 13A. Mrs. Morehead requested a machine vote on the E & R amendment.

E & R amendment, AM5298, found in the Journal on page 1112 for the Thirty-Third Day was adopted with 27 ayes, 5 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud Beutler Beyer Carsten Chronister
Eret Fenger Goodrich Hannibal Harris
Higgins Hoagland Kilgarin Labedz Landis
Lundy Marsh McDonald Morehead Newell
Nichol Pirsch Rupp Scofield Sieck
Vickers Wagner Warner Withem

Voting in the negative, 7:

Haberman Hefner Jacobson Johnson, L. Kahle
Peterson, H. Von Minden

Present and not voting, 6:

Chambers Clark DeCamp Johnson, V. Lamb
Remmers

Excused and not voting, 7:

Barrett Goll Johnson, R. Pappas Peterson, R.

Schmit Wesely

Advanced to E & R for Engrossment with 29 ayes, 7 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1089. E & R amendments, AM5336, found in the Journal on page 1378 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1089 in the Journal. No objections. So ordered.

1. On page 2, lines 15-16, strike ~~for each month prior to January 1, 1990,~~
2. On page 2, lines 16-17, strike ~~two dollars and fifty cents~~ and insert one dollar and fifty cents.
3. On page 3, line 19, strike ~~prior to January 1, 1990~~.

On page 3, line 20, strike ~~five~~ and insert four.
On page 3, line 20-22 strike beginning with ~~Commencing~~ and end with ~~dollars.~~

4. On page 3, line 27, strike ~~for~~.

On page 4, line 1, strike ~~each year prior to January 1, 1990,~~

Mr. Landis asked unanimous consent to print the following amendment to LB 1089 in the Journal. No objections. So ordered.

1. On page 6, line 23 at the end of the sentence add the following new sentence: The money in the fund shall not be subject to any fiscal year limitation or any lapse provision of the unexpended balance at the end of any fiscal year.

MESSAGE FROM THE GOVERNOR

March 15, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 657, 768, 833, 833A, 919, 923, 934, 967, 1000, 1032, and 782 were received in my office on March 9, 1984.

These bills were signed by me on March 15, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Print in Journal

Mr. L. Johnson asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2444
(Amendments to AM2088)

1. On page 33, lines 21, 22, and 25, after "district" insert "or educational service unit".

2. On page 35, line 2, after "districts" insert "or educational service units"; and in line 10 after "school" insert "or educational service unit".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1128. Placed on Select File as amended.
E & R amendments to LB 1128:
AM5383

Because of the line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. On page 6, line 6 strike "apropriation" and insert "appropriation"; and in line 15 strike "Judges" and insert "Judges' ".

2. On page 8, line 11, after the first "the" insert "Nebraska".

3. On page 17, line 26, strike "Survivors" and insert "Survivors' ".

4. On page 20, line 6, strike "195,285,758" and all amendments thereto and insert "192,539,722"; and in line 10 strike "252,851,463" and all amendments thereto and insert "250,105,427".

5. On page 37, lines 9 and 18, after "the" insert "Department of Motor Vehicles".

6. On page 45, line 18, after "$465,376" insert "for".

7. On page 48, line 21, strike “Social Services” and insert “social services”.

8. On page 51, line 8, strike “IV E” and insert “IV-E”.

9. On page 55, line 5, strike “apropriation” and insert “appropriation”.

10. On page 57, line 24, before “Program” insert “(4)”.

11. On page 60, lines 23 and 27; and page 61, lines 18 and 19, strike “Natural Resources District” and insert “natural resources district”.

12. On page 64, line 17, strike “Judges” and insert “Judges’ ”.

13. On page 65, line 10, strike “Information” and insert “Informational.

14. On page 67, lines 20 and 22; and page 68, lines 5 and 8, before “Bingo” insert “Nebraska”.

15. On page 82, line 7, strike the second “of” and insert “a”.

16. On page 89, line 3, before “Water” insert “Nebraska Soil and”; and in line 14 before “Resources” insert “Nebraska”.

17. On page 90, line 6, before “Resources” insert “Nebraska”; and in line 8 before “Soil” insert “Nebraska”.

18. On page 92, line 25, strike “apropriation” and insert “appropriation”.

19. On page 96, line 7, strike “(4)” and insert “(3)”; in line 13 strike “(5)” and insert “(4)”; in line 20 strike “(6)” and insert “(5)”; and in line 26 strike “(7)” and insert “(6)”.

20. On page 97, line 4, strike “(8)” and insert “(7)”; in line 16 strike “(9)” and insert “(8)”; and in line 22 strike “(10)” and insert “(9)”.

21. On page 100, line 13, strike “Nebraska”.

22. On page 110, line 14, strike “Employees’ ” and insert “Employees”.

23. On page 118, lines 5, 6, and 7, strike the semicolons and insert commas; in line 9 strike the first semicolon and insert a comma.

24. On page 121, line 26, after “Nebraska” insert “Soil and”.

25. On page 130, line 16, strike the second “Food” and insert “Fund”.

26. On page 134, line 13, strike “Nebraska”;

and in line 24 after "Commission" insert ", Nebraska". 27. On page 137, line 5, after the second "of" insert "Nebraska".

LEGISLATIVE BILL 1129. Placed on Select File as amended.
E & R amendments to LB 1129:
AM5379

1. In the V. Johnson amendment adopted March 12, 1984, on page 1, line 2, strike "34" and insert "31".

2. In the Warner amendment, AM2389, adopted March 12, 1984, on page 2, line 6, strike "0" and insert "-0-".

3. On page 6, line 7, strike "Cash Funds" and insert "cash funds".

4. On page 9, line 17, strike "Board of Trustees" and insert "board of trustees".

LEGISLATIVE BILL 867. Placed on Select File as amended.
E & R amendments to LB 867:
AM5380

1. In the Standing Committee amendments, AM2304, adopted March 13, 1984, on page 2, line 5, strike "moveable" and insert "movable".

2. On page 1, line 3, after "projects" insert "; and to state intent".

3. On page 2, strike lines 1 through 17 and all amendments thereto and insert the following:

"Section 1. There is hereby appropriated (1) $2,743,639 from the State Building Fund for the period July 1, 1984, to June 30, 1985, (2) $9,058,100 from the State Building Fund for the period July 1, 1985, to June 30, 1986, and (3) $6,985,011 from the State Building Fund for the period July 1, 1986, to June 30, 1987, to the University of Nebraska, Program 912, to aid the Board of Regents in constructing facilities to complete the Animal Science Complex at the Institute of Agriculture and Natural Resources. The total project cost shall not exceed $19,161,750 which amount includes $375,000 previously appropriated for planning such project.".

LEGISLATIVE BILL 904. Placed on Select File as amended.
E & R amendment to LB 904:
AM5377

1. On page 1, strike lines 2 through 4 and

insert “authorize certain contracts as prescribed; to provide powers and duties; to repeal a provision regarding hospital per diem costs; to provide for”.

LEGISLATIVE BILL 916. Placed on Select File as amended.
E & R amendments to LB 916:
AM5381

1. On page 1, line 1, after “ACT” insert “relating to mobile homes;”; in line 2 after “Act” insert “; to amend section 71-4624, Revised Statutes Supplement, 1983; to change certain fees; to provide an operative date; and to repeal the original section”.

2. On page 4, line 23, strike “37” and insert “33”.

3. On page 7, line 16, strike “(a)” and after “person” insert “(a)”.

4. On page 9, line 3, after “In” insert “the”.

5. On page 12, line 23, strike “of”.

6. On page 16, line 15, after the semicolon insert “and”.

7. On page 24, line 27, after “possession” insert an underscored comma.

8. On page 27, line 5, strike “moneys” and insert “money”; and in line 21 strike “effective” and insert “operative”.

9. In the Standing Committee amendments, AM2054, adopted March 6, 1984:

a. On page 1, line 12, strike “ofland” and insert “of land”; and in line 14 strike “contains” and insert “contain”;

b. On page 2, line 12, strike “days” and insert “days’”; and

c. On page 3, line 18, strike “hook-up” and insert “hookup”.

10. In the Lamb amendment, AM2309, adopted March 6, 1984, on page 2, line 21, insert underscoring beginning with “Sections” through “this”; and in line 22 after “62” insert “and all amendments thereto”.

11. Renumber section 63 added by the Standing Committee amendment as section 64, and section 64 added by the Lamb amendment as section 65.

LEGISLATIVE RESOLUTION 235. Placed on Select File as amended.
E & R amendments to LR 235:

AM5382

1. On page 5, line 15, strike the underscored comma.
2. Insert underscoring as appropriate to the Beutler amendment, adopted March 6, 1984.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 931. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 201
March 15, 1984

Dear Senator Rod Johnson:

You have asked whether section 10 of LB 762, as amended, which in turn amends the Nebraska Administrative Procedures Act, would run afoul of the recent United States Supreme Court decision concerning legislative vetoes.

Section 10(1) of LB 762, as amended, provides that an agency may waive certain requirements of the rule-making process in adopting particular rules. Subparagraph (3) of that section further provides that "(w)ithin two years after the effective date of a rule adopted under subsection (1) of this section, the chairperson of the Administrative Rules and Regulations Review Committee or the Governor may request the agency to hold a rule-making proceeding thereon according to the requirements of sections 3 to 9 of this act."

This provision was taken almost word for word from the Model Administrative Procedures Act of 1981. The drafters were aware of such concerns and noted in their comments that:

> Although arguable, such a power vested in a legislative committee or the governor or other persons is unlikely to be considered an undue delegation of legislative authority or a violation of separation of powers. Note in this regard the very limited effect of such a filed objection. The objection only forces the agency to engage in a standard rule-making proceeding. It does not prevent an agency from adopting such a rule of unlimited duration by usual procedures.

We concur in this analysis.

Likewise, having reviewed the Supreme Court Case concerning the invalidation of a specific legislative veto, Immigration & Naturalization

Service v. Chadha, No. 80-1832, __ U.S. __, 77 L.Ed. 2d 317, 103 S. Ct. __ (June 23, 1983), we do not believe that provisions here in question in any way violate the doctrine of separation of powers as set forth in that case. The procedure does not actually veto the administrative rule outright, rather the procedure merely causes the agency to review that rule and to comply with the standard rule-making procedures if the agency elects to retain that rule.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

COMMUNICATION

March 15, 1984

The Honorable Paul L. Douglas
Attorney General, State of Nebraska
Room 2115, State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Attorney General:

I am hereby delivering to you a certified copy of Legislative Resolution #277.

This Resolution was considered and adopted by the Nebraska Unicameral Legislature on March 14, 1984.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure

CERTIFICATE

TO The Honorable Paul L. Douglas
Attorney General of the State of Nebraska
State Capitol Building
Lincoln, Nebraska 68509

I am hereby serving upon you a Resolution of Impeachment, Legislative Resolution #277.

This Resolution was adopted by a majority of the elected members of the Eighty-eighth Legislature, Second Session, on March 14, 1984, pursuant to the provisions of Article III, Section 17.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Enclosure

COMMUNICATIONS

March 15, 1984

The Honorable Paul L. Douglas
Attorney General, State of Nebraska
Room 2115, State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Attorney General:

Pursuant to the directive embodied therein, I hereby deliver to you a certified copy of Legislative Resolution #278.

This Resolution was considered and adopted by the Nebraska Unicameral Legislature on March 14, 1984.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure

March 15, 1984

Mr. Dennis Carlson
Counsel for Discipline
Nebraska State Bar Association
1019 American Charter Center
206 South 13th Street
Lincoln, Nebraska 68508

Dear Mr. Carlson:

Pursuant to the directive embodied therein, I hereby deliver to you a certified copy of Legislative Resolution #278.

This Resolution was considered and adopted by the Nebraska Unicameral Legislature on March 14, 1984.

If you have questions, please feel free to contact me.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 1128 in the Journal. No objections. So ordered.

PURPOSE: To eliminate General Fund support for the Regional Veterinary College planning.
AMENDMENT:

On page 3, line 26, strike "88,981,563" and insert "88,845,135". After ";" in line 26, insert the following:

"It is the intent of the Legislature that no General Funds be expended for Regional Veterinary College planning;"

Mr. Vickers asked unanimous consent to print the following amendment to LB 1039 in the Journal. No objections. So ordered.

AM2464

1. Insert new sections as follows:

"Sec. 7. There is hereby created the Nebraska Banking Board which shall be composed of nine members, six of whom shall be bankers with not less than five years of actual banking experience in an institution regulated by the Department of Banking and Finance and three members who shall represent the public interest in the regulation, operation, and control of financial institutions in this state and who shall be selected from the state at large. No nonbanker member shall own any stock directly or indirectly in any state or national bank or trust company wherever located. One nonbanker member shall be actively engaged in the sale of goods or services, one nonbanker member shall be actively engaged in agriculture or livestock production, and the third nonbanker member shall be actively engaged in manufacturing or other industrial pursuit. One of the nine members shall be elected annually by the board to serve as chairperson. The members of the board shall be appointed by the Governor and approved by the Legislature. Of the six members representing banks and other financial institutions, the Governor shall appoint two members from each of the Nebraska congressional districts. For purposes of this section banker shall mean any individual who is an owner or officer in any financial institution regulated by the Department of Banking and Finance.

Sec. 8. Of the first nine members appointed to the Nebraska Banking Board, two bankers and one at-large member shall be appointed to serve until January 1, 1986, two bankers and one at-large member shall be appointed to serve until January 1, 1987, and the remaining bankers and at-large member shall be appointed to serve until January 1, 1988. Thereafter all terms shall begin on January 1 and shall be for three years. No person may serve more than two consecutive terms on the board. In the event of a vacancy the Governor shall appoint a new member of the same class and qualifications to fill the unexpired portion of the term. The board shall be located within the Department of Banking and Finance which shall provide meeting space and staff support for the board. A majority of the members of the board shall constitute a quorum for the purpose of transacting business and every act of the majority shall be deemed an act of the board.

Sec. 9. Members of the Nebraska Banking Board attending meetings of the board or performing functions authorized by such board shall be reimbursed for expenses as provided in sections 84-306.01 to 84-306.05 for state employees.

Sec. 10. The Director of Banking and Finance shall act as secretary for the Nebraska Banking Board and shall keep a permanent record of all meetings and proceedings of the board in his or her office and shall facilitate the board's reviews and investigations as the board shall request.

Sec. 11. (1) Commencing in January 1985, the board shall meet once each month, on such dates as it shall agree, upon and shall meet at such other time as the board may deem necessary or when called by the chairperson or any three members of the board. The members of the board shall have access to all records of the Department of Banking and Finance.

(2) The board shall keep confidential all records pertaining to or disclosing financial information concerning any individual. No board member shall use any information he or she receives as a result of membership on the board for personal gain or to enable another to derive personal gain. Any board member violating this subsection shall be guilty of a Class I misdemeanor.

(3) The board shall act in an advisory capacity in all matters pertaining to the conduct and welfare of the department, the administration of the banking laws of this state, and financial institutions of this state.

Sec. 12. In addition to its advisory powers, the Nebraska Banking Board shall:

(1) Regulate its own practice and procedure through the adoption and promulgation of rules and regulations;

(2) Review the records of financial institutions conducting business in Nebraska which are filed with the Department of Banking and Finance to assure compliance with the banking code of this state;

(3) Hear and investigate complaints by members of the public and public employees that deal with business practices of the department or of financial institutions conducting business in Nebraska; and

(4) Report its findings to the Governor, the Attorney General, and the chairperson of the Legislature's Committee on Banking, Commerce, and Insurance as it deems necessary for the enforcement of state banking laws.".

2. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were 40 Eighth grade students and teachers from St. Margaret Mary School, Omaha; 75 members of the Kiwanis Club from Nebraska & Iowa; 14 students and teacher from Alliance; 45 juniors and teacher from Central High School, Omaha; 47 Seventh grade students and teachers from Sandy Creek Schools; 7 Eighth grade students, teachers, and sponsors from Emmanuel Lutheran School, York; 15 members of Aarp State Legislative Com. from Nebraska; Ms. Goldie Hagenbuck, Columbus; 80 Eighth grade students and teachers from Mary Our Queen School, Omaha; Mr. & Mrs. Elmer Headley from Beatrice; and 58 Seventh grade students and teacher from St. Paul

Public School, St. Paul.

ADJOURNMENT

At 2:01 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Tuesday, March 20, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 20, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 20, 1984

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Reverend Stuart Firnhaber, Chaplain at the Lincoln Correctional Center, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Goll and V. Johnson who were excused; and Messrs. Abboud, Barrett, Hoagland, R. Johnson, Rupp, Wagner, Withem, Mesdames Labedz, Pirsch, Miss Kilgarin, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1659, after line 13, insert "Amendment to Warner Amendment, AM2386".
The Journal for the Forty-Seventh Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 152.

Correctly Engrossed

The following bills were correctly engrossed: 130, 130A, 645, 933, and 993.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 933

The following changes, required to be reported for publication in the Journal, have been made:
ER0191

1. In lieu of the Warner amendment adopted March 6, 1984, the following new section has been inserted and the remaining sections have been renumbered accordingly:

"Sec. 11. That section 81-137, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-137. The Governor shall also submit to the Legislature , at the same time he or she submits the budget, copies of a tentative bill for all proposed appropriations of the budget clearly itemized and properly classified, for the ensuing appropriation period, and no appropriation shall be made in excess of the items and recommendations contained in the budget unless by a three- fifths ~~two- thirds~~ vote of the Legislature, but any item or recommendation therein contained may be rejected or decreased in amount.".

2. In the E & R amendments, AM5284, adopted March 6, 1984, on page 4, line 1, "lines 1 and" has been struck and "line" has been inserted.

3. On page 1, line 1, "administrative services" has been struck and "state government operations" has been inserted; and in line 4, "81-137," has been inserted after the first comma.

4. The matter beginning with "certain" on page 1, line 9, through the semicolon on page 2, line 5, has been struck and "lettering on state-owned vehicles, vouchers, petty cash funds, a budget vote requirement, acceptance of bids, purchases for miscellaneous needs, transfers of money, timing of inventories, charges for copies, and timing of deposits; to correct references; to create funds; to change and eliminate definitions;" has been inserted.

5. On page 4, line 8, "(a)" has been inserted after "on"; and in line 16, "on" has been struck, shown as stricken, and "(b)" inserted.

6. On page 14, line 26, "be" has been struck, shown as stricken, and "is" inserted.

7. On page 38, line 4, "81-137," has been inserted after the second comma.

(Signed) Mary Sommermeyer
E & R Attorney

REPORT

Received statement of deposits to the Highway Cash Fund and Roads

Operation Cash Fund for February pursuant to Section 66-476, R.S. Supp. 1980.

EXPLANATION OF VOTES

Had I been present, I would have voted no on LR 277 and LR 278.

(Signed) Harry Chronister

Had I been present, I would have voted no on LR 277 and aye on LR 278.

(Signed) Lowell Johnson

ATTORNEY GENERAL'S OPINION

Opinion No. 200
March 8, 1984

RE: Board of Educational Lands and Funds

Dear Senator Haberman:

You have requested an opinion from our office concerning the authority of the Board of Educational Lands and Funds to pay interest on bonus money paid for leases, or to prorate the bonus over the term of the lease. It is our understanding that at present a person bidding on a lease must pay the entire bonus at the time of the sale of the lease at auction. Neb.Rev.Stat. §72-233.01 (Reissue 1981) provides in part that:

> In order for any person to be eligible to bid on a school land lease, he must file a bank draft, certified check or cash for each lease with the county treasurer of the county in which the land is located prior to the sale, payable to the Board of Educational Lands and Funds, equivalent to rental of the first year of the lease on each parcel or tract on which he contemplates bidding . . . The deposit of the acceptable bidder shall be applied either on the bonus bid or the rent for the first year. If the accepted bidder fails to pay either the bonus bid or rent for the first year of the lease, he shall forfeit the amount of the deposit and the Board of Educational Lands and Funds shall resubmit the land for bids and a new lease.

Similarly, Neb.Rev.Stat. §§72-308 and 72-309 provide for bids and bonus regarding leases of mineral rights; and Neb.Rev.Stat. §§72-901 and 72-902 involve oil and gas leases and the manner in which these leases are awarded based upon the amount of bonus.

Your first question is whether or not it would be legal for the Board to pay interest on bonus money, due to the fact that the bonus is collected in advance for the term of the lease. Implicit in your question is an assumption that bonus may be treated as a part of the yearly rental due the Board. However, the statutes previously referred to appear to treat bonus separate and distinct from the amount of the yearly rental. In essence, the yearly rental is previously established, prior to sale, and bonus is the method by which the lease is awarded to the highest bidder at auction. Accordingly, Neb.Rev.Stat. §72-233.01 provides that the deposit required to participate in the auction may be applied to either bonus or rent for the first year.

We find no statutory provisions for the Board to pay interest to a lessee on bonus. It is well established that the state holds the public school lands, including the income therefrom, as trustee. As such, it is the duty of the Board to obtain the maximum return for the trust estate from the trust properties under its control. Anderson v. Board of Educational Lands and Funds, 198 Neb. 793, 256 N.W.2d 318 (1977). Given the fact that the fiduciary duty imposed upon the Board requires it to obtain the highest price possible for all trust property, it is our opinion that the Board may not pay interest on bonus to a lessee under present statutes and case law. Id. Rather, the bonus should be considered as the amount paid to acquire the lease.

The second question which you have posed is whether or not it would be legal for the Board to prorate the bonus over the term of the lease. For example, a $12,000 bonus on a 12-year lease might be paid in annual installments of $1,000 each year. We do not find any specific statutory authority for such an arrangement. The applicable standard for administering the school trust is as follows: "It is the duty of the Board of Educational Lands and Funds, in its fiduciary capacity in handling school lands and funds committed to its care, to obtain a maximum return to the trust estate from trust properties under its control, subject to the taking of necessary precautions for the preservation of the trust estate." State ex rel. Raitt v. Peterson, 156 Neb. 678, 57 N.W.2d 280 (1953). The statutes dealing with bidding on leases and the payment of bonus appear to treat the two amounts separately. In State. v. Cooley, 156 Neb. 330, 56 N.W.2d 129 (1952), bonus is characterized as being "in addition to the rentals fixed by the lease." Similarly, in Anderson v. Board of Educational Lands and Funds, supra, the court noted that "After the sale, plaintiff made out and signed an application for a lease, and submitted with it his check in the amount of the first year's rent plus his bonus bid of $10,600."

It is therefore our conclusion that the present statutes dealing with bonuses and rental for the lease of school land do not authorize the Board either to pay interest on bonus bids or prorate the bonus over the term of the lease.

Very truly yours,

PAUL L. DOUGLAS
Attorney General
(Signed) Ruth Anne E. Galter
Assistant Attorney General

REG:dr
cc: Patrick J. O'Donnell
Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

March 19, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 658, 799, 968, 979, 1045 and 1071 were received in my office on March 14, 1984.

These bills were signed by me on March 19, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 962. Placed on Select File as amended.
E & R amendments to LB 962:
AM5385

1. On page 1, line 4, strike "77-2781," and "77-2786,"; in line 8 strike "2-1208.01,"; in line 10 strike "77-2712,"; and in line 14 after the second "to" insert "define and".

2. On page 2, strike beginning with "define" in line 6 through "terms" in line 7 and insert "change provisions relating to franchise taxes as prescribed; to provide powers and duties; to eliminate certain provisions relating to taxation of estates and trusts".

3. On page 6, line 7, strike "the" and insert
":

(a) The"; in line 9 strike "(a)" and insert "(i)"; in line 11 strike "(b)" and insert "(ii)"; in line 13 strike "(c)" and insert "(iii)"; in line 14 after the semicolon insert "or"; in line 15 strike "(d)" and insert "(iv)"; in line 20 strike "(e)" and insert "(b)"; and in line 23 strike "(f)" and insert "(c)".

4. On page 8, line 26, strike "carrying", show as stricken and insert "carry".

5. On page 11, line 5, strike the period, show as stricken, and insert an underscored semicolon.

6. On page 23, line 7, strike the comma.

7. On page 25, line 18, strike the first comma and show as stricken.

8. On page 28, line 12, strike the second comma and show as stricken.

9. On page 32, line 22, strike the semicolon, show as stricken, and insert an underscored period.

10. On page 33, line 7, strike "; and", show as stricken, and insert an underscored period.

11. On page 42, line 2, strike the second comma.

12. On page 61, line 23, strike the comma.

13. On page 68, line 3, strike "filed or" and show as stricken.

14. On page 69, line 11, strike "therein".

15. Strike original section 28.

16. On page 75, line 14, strike "or" and insert an underscored comma.

17. On page 85, line 16, after "section" insert an underscored comma.

18. Insert the following new section:

"Sec. 35. The Revisor of Statutes shall place sections 1 to 3 of this act in Chapter 77, article 21, and section 24 of this act in Chapter 77, article 27.".

19. On page 99, line 11, strike "19 and 40" and all amendments thereto and insert "17 and 37"; in line 13 strike "26" and all amendments thereto and insert "24"; and in line 21 strike "77-2781,".

20. Renumber remaining sections accordingly.

LEGISLATIVE BILL 761. Placed on Select File as amended.
E & R amendments to LB 761:
AM5386

1. In the second Beutler amendment adopted March 7, 1984, found on page 1390 of the Journal, on

page 1, line 2, remove the underscoring. This amendment is to the Standing Committee amendments.

2. In the Standing Committee amendments, AM2062, adopted March 7, 1984:

a. On page 1, line 16, strike "13" and insert "14"; and in line 23 strike "is" and insert "shall be";

b. Insert the following new section:

"Sec. 7. Council shall mean the Council of Certified Nurse Midwifery created by section 21 of this act.";

c. On page 2, line 3, strike "is" and insert "shall be", and strike the comma; in line 4 strike "requires" and insert "shall require"; and in line 24 strike "this" and insert "the";

d. On page 3, line 13, strike "the" and "of", and after "all" insert "of the";

e. On page 4, line 22, strike "that are";

f. On page 5, line 20, strike "her or his" and insert "his or her"; and in line 23 strike "she or he" and insert "he or she";

g. On page 6, line 19, strike "Council of Certified Nurse Midwifery" and insert "council"; and in line 25 strike "she or he" and insert "he or she";

h. On page 7, strike beginning with "persons" in line 18 through "and" in line 20 and insert "certified nurse midwives";

i. On page 8, line 5, strike "Board" and insert "Council"; and in line 19 before "The" insert "Sec. 22.";

j. On page 9, line 20, after "of" insert "certified nurse";

k. On page 10, line 21, strike the comma; in line 23 strike "her or his" and insert "his or her"; and in line 25 strike "she or he" and insert "he or she";

l. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 761A. Placed on Select File.

LEGISLATIVE BILL 838. Placed on Select File as amended.
E & R amendment to LB 838:
AM5384

1. On page 1, line 1, after "amend" insert "section 81-185, Reissue Revised Statutes of Nebraska, 1943, and"; in line 2 strike ", 81-189, 81-191,"; strike beginning with "extend" in line 3 through "provisions"

in line 6 and insert "change membership of the Committee on Building Maintenance; to eliminate provisions relating to termination of the committee, transfer of activities, and expiration of statutes; to extend a filing date"; and in line 7 after "sections" insert ", and also sections 81-189 and 81-191, Revised Statutes Supplement, 1982".

LEGISLATIVE BILL 886. Placed on Select File as amended.
E & R amendment to LB 886:
AM5387

1. On page 1, line 3, strike ", 68-131,"; and strike beginning with the first "to" in line 8 through the semicolon in line 9.

UNANIMOUS CONSENT - Add Co-Introducer

Miss Kilgarin asked unanimous consent to have her name added as co-introducer to LB 760. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 293.

RESOLUTION

LEGISLATIVE RESOLUTION 294. Read. Considered.

LR 294 was adopted with 25 ayes, 0 nays, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 1106. Title read. Considered.

Standing Committee amendments, AM2257, printed separate from the Journal and referred to on page 1283 for the Thirty-Eighth Day were considered.

Messrs. Landis and Schmit renewed their pending amendment, AM2283, printed separate from the Journal and referred to on page 1433 to the Standing Committee amendments.

The Landis-Schmit amendment was adopted with 13 ayes, 0 nays, 23 present and not voting, and 13 excused and not voting.

Mr. Lamb renewed his pending amendment found in the Journal on page 1512 to the Standing Committee amendment.

The Lamb amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Lamb renewed his pending amendment found in the Journal on page 1513 to the Standing Committee amendments.

MR. CLARK PRESIDING

The Lamb amendment lost with 8 ayes, 20 nays, 16 present and not voting, and 5 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

Gov. Appt. Tuesday, March 27, 1984 (Cancelled) 1:00 p.m.
Marita Fickes - Rural Health Manpower Commission
Gov. Appt. Thursday, March 22, 1984 (Re-Set) 1:00 p.m.
Marita Fickes - Rural Health Manpower Commission

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 222 in the Journal. No objections. So ordered.

AM2341

1. Insert the following new section:

"Section 1. That section 35-302, Revised Statutes Supplement, 1982, be amended to read as follows:

35-302. ~~Firefighters~~ Individuals employed in the fire departments of cities having paid fire departments shall not be required to remain on duty for periods of time which will aggregate in each month more than an average of sixty hours per week. Each single duty shift shall consist of twenty-four consecutive hours and shall be followed by an off-duty period as necessary to assure compliance with the requirements of this section unless by voluntary agreement between the city and the ~~firefighter~~ individual, any such individual

~~firefighter~~ may be permitted to work an additional period of consecutive time and may return to work after less than a twenty-four hour off-duty period. Any ~~firefighter~~ person who is not primarily involved in fire suppression duties may be assigned to work less than a twenty-four hour shift, but in such event the ~~firefighter~~ person shall not work in excess of forty hours per week. No ~~firefighter~~ individual shall be required to perform any work or service as ~~such~~ a firefighter during any period in which he or she is off duty except in cases of extraordinary conflagration or emergencies or job-related court appearances.".

2. On page 3, line 7, after "original" insert "section 35-302, Revised Statutes Supplement, 1982, and"; and in line 8 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Newell asked unanimous consent to print the following amendment to LB 1093 in the Journal. No objections. So ordered.

AM2342
(Amendments to the Standing Committee Amendments)

1. On page 1, strike beginning with "support" in line 3 through "necessary" in line 9 and insert "sponsor a statewide noncommercial educational radio network and program service through (a) cooperation with existing public radio stations and production facilities, (b) the use of educational telecommunications network facilities wherever such facilities are available, and (c) the development of both originating and rebroadcasting stations".

2. On page 2, line 1, after the first semicolon insert "in line 12 strike 'telecommuncation' and insert 'telecommunication';".

3. Add the following new amendment:

"1. On page 2, line 4, strike 'creates', show as stricken, and insert 'create'.".

4. Renumber the remaining amendments accordingly.

Mr. Newell asked unanimous consent to print the following amendment to LB 1057 in the Journal. No objections. So ordered.

AM2358
(Amendments to Standing Committee Amendments)

1. On page 1, line 8, strike "three" and insert "one"; in line 9 strike "years" and insert "year".

2. Insert the following new amendments:

"3. On page 5, line 12, strike 'career' and insert 'career-oriented'; and in line 13 strike 'oriented'.

4. Insert the following new sections:

'Sec. 7. That section 85-502, Revised Statutes Supplement, 1982, be amended to read as follows:

85-502. Rules and regulations established by the governing board of each state educational institution shall require as a minimum that a person shall not be deemed to have established a residence in this state, for the purpose of sections 85-501 to 85-504 and section 2 of this act, unless:

(1) Such person is of legal age or is an emancipated minor and shall have established a home in Nebraska where he or she is habitually present for a minimum period of one ~~hundred eighty days~~ year, with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

(2) The parents, parent, or guardian having custody of a minor registering in the educational institution shall have established a home in Nebraska where such parents, parent, or guardian is habitually present with the bona fide intention of such parents, parent, or guardian to make this state their, his, or her permanent residence, supported by documentary proof, except ~~; Provided,~~ that if a person has matriculated in any state educational institution while his or her parents, parent, or guardian had an established home in this state, and the parents, parent, or guardian leave the state, such person shall not lose his or her resident status by reason of such parents, parent, or guardian having ceased to reside in this state if such person has the bona fide intention to make this state his or her permanent residence, supported by documentary proof;

(3) Such person is of legal age and is a dependent for federal income tax purposes of a parent or former guardian, who shall have established a home in Nebraska where he or she is habitually present with the bona fide intention of making this state his or her

permanent residence, supported by documentary proof;

(4) Such person is a nonresident of this state prior to marriage, and marries a person who has established a home in Nebraska where he or she is habitually present with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

(5) Such person, if an alien, shall have established a home in Nebraska for a period of at least one ~~hundred eighty days~~ year where he or she is habitually present with the bona fide intention to become a permanent resident alien of the United States and make this state his or her permanent residence, supported by documentary proof;

(6) Such person is a staff member or dependent of a staff member of the University of Nebraska, one of the Nebraska state colleges, or one of the technical community college areas who joins the staff immediately prior to the beginning of a term from an out-of-state location;

(7) Such person is on active duty with the armed services of the United States and has been assigned a permanent duty station in Nebraska, or is a legal dependent of a person on active duty with the armed services of the United States assigned a permanent duty station in Nebraska; or

(8) Such person is a graduate of a high school of this state or has been previously registered in a state educational institution at a time when he or she was a resident of this state.

Sec. 9. That original section 85-502, Revised Statutes Supplement, 1982, is repealed.'.

5. Insert underscoring in original sections 1 to 6.

6. Renumber original section 7 as section 8.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 809.

(Signed) Rod Johnson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 561. Placed on Select File as amended.
E & R amendments to LB 561:
AM5390

1. On page 1, line 1, after "ACT" insert "relating to optometry;"; strike beginning with "Revised" in line 2 through "optometry" in line 3 and insert "Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to require a report; to provide duties; to provide for evaluations"; in line 4 after "of" insert "topical ocular", and after the semicolon insert "to provide for termination of certain sections;"; and strike line 7 and insert "Reissue Revised Statutes of Nebraska, 1943.".

2. In the Clark amendment, AM2328, on page 2, line 13, strike "Board" and insert "Boards".

LEGISLATIVE BILL 341. Placed on Select File as amended.
E & R amendments to LB 341:
AM5388

Because of line number differences between the bill as introduced and the green copy, all amendments are to the green copy.

1. Because of the Vickers amendment, AM2374, strike amendments 2 and 3 in the Goodrich/Vickers amendment, AM1926, and amendments 2 and 3 in the Lamb amendment, AM2268.

2. In the Vickers amendment, AM2374:

a. On page 1, line 11, strike "in" and insert "of"; in line 16 strike "of this act"; and in line 19 strike "state wide" and insert "statewide";

b. On page 2, line 25, strike "3" and insert "4";

c. On page 3, line 25, strike "4" and insert "5";

d. On page 4, line 17, after "1985- 86" insert an underscored comma;

e. On page 5, line 5, strike the first "districts";

f. On page 6, line 7, strike "2 of this act" and insert "79- 1332"; and in line 18 strike "5" and insert "7";

g. On page 7, line 2, strike "6" insert "8" and strike "and" and insert a comma; in line 3 after

"79-1335," insert "and 79-1338,"; in line 4 after the last comma insert "and section 79-1333, Revised Statutes Supplement, 1983,"; and after line 5 insert the following new amendment:

"2. Renumber the remaining sections accordingly.".

3. In the Goodrich/Vickers amendment, AM1926, on page 1, line 6, after "1980-81" insert an underscored comma.

4. On page 1, strike beginning with "state" in line 2 through the semicolon in line 6 and insert "schools; to amend sections 79-1332, 79-1335, and 79-1338, Reissue Revised Statutes of Nebraska, 1943, section 79-1333.01, Revised Statutes Supplement, 1982, and section 79-1333, Revised Statutes Supplement, 1983; to state intent; to change provisions relating to the School Foundation and Equalization Fund, the distribution of certain funds, eligibility requirements, maximum tax levies, and calculation of tuition receipts; to limit increases in financial support;", and in line 7 strike "section" and insert "sections".

LEGISLATIVE BILL 341A. Placed on Select File as amended.
E & R amendment to LB 341A:
AM5389

1. On page 1, line 3; and page 2, line 6, strike "First" and insert "Second" and strike "1983" and insert "1984".

LEGISLATIVE BILL 928. Placed on Select File as amended.
E & R amendments to LB 928:
AM5391

1. In lieu of the Beutler amendment adopted March 9, 1984, in the Vickers amendments, AM2383, insert the following new section and renumber the remaining section accordingly:

"Sec. 4. No publicly funded college or university in this state shall prohibit the admission of any child educated in any school which elects to meet the requirements of subsection (2) of section 79-1701 if the child is qualified for admission as shown by testing results.".

2. In the Scofield and Kilgarin amendment adopted March 9, 1984, add underscoring to all matter in quotation marks.

3. In the Vickers amendments, AM2383, adopted

March 9, 1984:

a. On page 1, line 20, strike the comma and show as stricken;

b. On page 3, line 19, after the comma insert "and";

c. On page 4, line 12, after "rules" insert "and regulations"; and in line 23 strike the comma, show as stricken, and insert an underscored semicolon;

d. On page 5, lines 1, 8, and 11, strike the comma, show as stricken, and insert an underscored semicolon; and in line 4 strike the second comma, show as stricken, and insert an underscored semicolon;

e. On page 9, line 26, after "submit" insert "to the Commissioner of Education";

f. On page 10, line 2, strike "to the Commissioner of Education"; in line 20 strike "section" and insert "subsection"; and in line 23 strike "offering" and insert "monitoring"; and

g. On page 11, line 2, after "demonstrate" insert "an"; and in line 12 after "private" insert an underscored comma; and in line 19 strike "section" and insert "subsection".

4. Strike beginning with "79-101" on page 1, line 1, through page 2, line 10, and insert "79-201, 79-328, and 79-1701, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to required attendance; to change powers and duties of the State Board of Education; to provide for an election relating to accreditation and approval requirements; and to repeal the original sections.".

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 296.

Introduced by Vickers, 38th District.

WHEREAS, On March 10, 1984, the University of Nebraska-Lincoln Women's Track Team won the 1984 NCAA Indoor All-American Track Championship; and

WHEREAS, 1984 is the third consecutive NCAA Indoor All-American Championship for the Women's Track Team; and

WHEREAS, the All-American status of team members Jennie Gorham Bedami, Rhonda Blanford, Janet Burke, Merlene Ottey, Heather Smith, Marcia Tate, and Angela Thacker was earned by their hard work, dedication, discipline, and spirit; and

WHEREAS, the dedication and encouragement of Coaches Gary Pepin, Jay Dirksen, Linda Zech, Mark Devenney, Jeff Goldberg, Mark Kostek, and Steve Rainbolt led the team to the championship; and

WHEREAS, this accomplishment deserves special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends and congratulates the coaches and members of the 1984 University of Nebraska-Lincoln All-American Women's Track Team on the NCAA Indoor Championship.
2. That a copy of this resolution be sent to the coaches and members of the 1984 University of Nebraska-Lincoln Women's Track Team.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 1128 in the Journal. No objections. So ordered.

Purpose: To reappropriate General funds for Wayne State College which are to be expended for computing.
Amendment: On page 79, after line 15, insert the following: "The Unexpended General Fund balance existing on June 30, 1984, for Wayne State College is hereby reappropriated in an amount not to exceed $41,092, which amount shall be in addition to the amount shown. It is the intent of the Legislature that the General Fund reappropriation be expended for computing costs."

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following resolution and bill were correctly re-engrossed: LR 2 and LB 881.

Correctly Engrossed

The following bills were correctly engrossed: 679, 694, 694A, 776, 824, 991, 991A, and 1064.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 694

The following changes, required to be reported for publication in the Journal, have been made:
ER0192

1. On page 1, line 3, ", and section 60-412, Revised Statutes Supplement, 1983" has been inserted after "1943"; in line 5 after the semicolon "to rename a fund and provide for its use;" has been inserted; and in line 6 "section" has been stricken and "sections" inserted.
2. In the Labedz amendment, AM2255, adopted March 7, 1984, on page 1, line 19, the comma has been struck and shown as stricken.

Enrollment and Review Change to LB 809

The following changes, required to be reported for publication in the Journal, have been made:
ER0195

1. In the E & R amendments:
   a. Amendment 7 has been struck; and
   b. On page 2, line 1, "8," has been struck; and in line 6 "last" has been struck and "second" inserted.
2. On page 2, line 5; page 4, line 23; and page 9, line 8, the old comma has been moved to follow "act" and the last underscored comma has been struck.
3. On page 5, line 27; and page 6, line 8, the comma has been struck.
4. On page 9, line 11, an underscored period has been inserted after "sections"; and in line 12 the period has been struck and shown as stricken; the old comma in line 23 has been moved to follow "act" in line 24; and in line 24 the comma has been struck.

Enrollment and Review Change to LB 881

The following changes, required to be reported for publication in the Journal, have been made:
ER0193

1. In the Nichol amendment adopted March 7, 1984, found on page 1362 of the Journal, on page 1, line 3, "the second" has been inserted after "after"; in line 4 "150,000" has been struck and "one hundred fifty thousand" has been inserted, the last two commas have been struck, and "lessor" has been struck and "lesser" inserted; in line 8 the first comma has been struck and "which is" has been inserted, and the second comma has been struck and "and which is" inserted.
2. On page 1, the matter beginning with "extend" in line 3 through "exceeded" in line 4 has been struck and "change provisions relating to exceeding a tax levy limitation" inserted.

Enrollment and Review Change to LB 1064

The following changes, required to be reported for publication in the Journal, have been made:
ER0201

1. In lieu of the Chronister - Beutler amendment adopted March 9, 1984:

(a) On page 2 the matter beginning with "The" in line 18 through line 27 has been struck and the following inserted:

"Such person, firm, or corporation furnishing feed or feed ingredients or machinery and equipment or performing work or labor in the feeding of livestock shall file a notice in the office of the county clerk of the county in which such livestock are located. Such notice of lien shall designate:

(i) The name and address of the person for whom such feed or feed ingredients, machinery and equipment, or work or labor was provided;

(ii) The amount due for such feed or feed ingredients, machinery and equipment, or work or labor covered by the lien;

(iii) The place where such livestock are located;

(iv) A reasonable description of such livestock including the number and type of such livestock; and

(v) The last date on which such feed or feed ingredients, machinery and equipment, or work or labor was supplied.

Such lien shall attach and have priority as of the date of the filing if filed in the manner provided in this section and may be foreclosed in the manner and form provided for the foreclosure of secured transactions in article 9 of the Uniform Commercial Code.

Upon receipt of a lien filed pursuant to this section or an amendment, release, or termination of such lien, the county clerk shall immediately transmit to the Secretary of State the following information:

(A) Identification of the document;

(B) Document number;

(C) Name and address of the debtor or debtors;

(D) Name and address of the creditor or creditors;

(E) Type or types of goods covered;

(F) Date and time of filing; and

(G) Social security or federal identification number of the debtor or debtors, if known.

The fee for filing, amending, or releasing such lien shall be the same as set forth in section 9-403, Uniform Commercial Code."; and

(b) On page 3, lines 1 and 2 have been struck.

2. On page 2, line 2, "shall contract or agree" has been struck and "contracts or agrees" inserted; in line 15 "furnished" and "used" have been struck; and in line 16 "performance of" has been struck.

(Signed) Mary Sommermeyer

E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 1106. Mr. Lamb asked unanimous consent to withdraw his pending amendment, AM2353, found in the Journal on page 1512. No objections. So ordered.

Mr. Lamb offered the following amendment to the Standing Committee amendments:
3. On page 37, line 23, strike "January 1" and insert "February 15".

The Lamb amendment was adopted with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

Messrs. Sieck, R. Peterson, Remmers, Nichol, Lamb, Hefner, and Kahle renewed their pending amendment, AM2384, found in the Journal on page 1557.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Sieck moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Sieck requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Barrett Beyer Carsten Chronister Clark
Eret Fenger Hefner Jacobson Johnson, L.
Kahle Lamb Nichol Peterson, H. Peterson, R.
Pirsch Remmers Sieck Von Minden Wagner
Warner

Voting in the negative, 26:

Abboud Beutler Chambers DeCamp Goodrich
Haberman Hannibal Harris Higgins Hoagland
Johnson, R. Kilgarin Labedz Landis Lundy
Marsh McDonald Morehead Newell Pappas
Rupp Schmit Scofield Vickers Wesely

Withem

Excused and not voting, 2:

Goll	Johnson, V.

The Sieck et al amendment lost with 21 ayes, 26 nays, and 2 excused and not voting.

The Chair declared the Call raised.

Messrs. Landis and Schmit renewed their pending amendment, AM2432, to the Standing Committee amendments found in the Journal on page 1561.

The Landis-Schmit amendment was adopted with 18 ayes, 20 nays, 29 present and not voting, and 2 excused and not voting.

Mr. Beutler asked unanimous consent to withdraw his pending amendment, AM2416, printed separate from the Journal and referred to on page 1566 and AM2424, found in the Journal on page 1566. No objections. So ordered.

Mr. Landis offered the following amendment to the Standing Committee amendments.
Strike Amendment 2283.

The Landis amendment was adopted with 22 ayes, 0 nays, 25 present and not voting, and 2 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 30 ayes, 2 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 891. Title read. Considered.

Standing Committee amendments, AM1944, found in the Journal on page 864 for the Twenty-Fifth Day were considered.

Mr. Carsten renewed his pending amendment, AM2252, found in the Journal on page 1283 to the Standing Committee amendments.

The Carsten amendment was adopted with 15 ayes, 0 nays, 32 present

and not voting, and 2 excused and not voting.

Miss Kilgarin and Mrs. Morehead renewed their pending amendment, AM2156, found in the Journal on page 1616 to the Standing Committee amendments.

SPEAKER NICHOL PRESIDING

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Miss Kilgarin requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Abboud
Barrett
Beyer
Chronister
Eret
Fenger
Goodrich
Haberman
Higgins
Jacobson
Kilgarin
Labedz
McDonald
Morehead
Rupp
Schmit
Scofield
Wagner
Withem

Voting in the negative, 26:

Beutler
Carsten
Chambers
DeCamp
Hannibal
Harris
Hefner
Hoagland
Johnson, L.
Johnson, R.
Kahle
Lamb
Landis
Lundy
Marsh
Newell
Nichol
Pappas
Peterson, H.
Pirsch
Remmers
Sieck
Vickers
Von Minden
Warner
Wesely

Absent and not voting, 1:

Clark

Excused and not voting, 3:

Goll
Johnson, V.
Peterson, R.

The Kilgarin-Morehead amendment lost with 19 ayes, 26 nays, 1 absent and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 6 nays, 13 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM2150
(Amendments to Standing Committee Amendments)

1. On page 1, line 3, strike "This", and insert "Sections 1 to 13 of this"; and strike beginning with "one" in line 20 through "gasoline" in line 21 and insert "gasoline containing one per cent or more alcohol by volume".

2. On page 2, line 9, after "department" insert "shall have access to all books, papers, and other information necessary for the inspection and testing of such products. If, after inspection, the department finds or has reason to believe that the requirements set forth in sections 1 to 13 of this act are not being met, the department"; and in line 14 after "Nebraska" insert "for a period of two years prior to the date of inspection".

3. On page 3, line 6, strike "alcohol-blended gasolines" and insert "gasoline in alcohol- blended fuels".

4. On page 4, line 7, strike "all" and insert "the", and after "sale" insert "which affect the purchase price of the fuel"; and in line 15, strike "an alcohol blend" and insert "alcohol".

5. Underscore sections 1 to 13.

6. Insert new sections as follows:

"Sec. 14. That section 66-428, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-428. In addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478, there is hereby levied and imposed an excise tax of ten and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6, except ~~; Provided,~~ that such excise tax after June 1, 1979, shall be five cents per gallon less on agricultural ethyl alcohol produced in the State of

Nebraska for use as a motor vehicle fuel and on motor vehicle fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol whose purity shall be at least ninety-nine per cent alcohol, excluding denaturant, than on motor vehicle fuel which does not contain such a blend. ~~The Department of Agriculture shall inspect and test motor vehicle fuel containing such a blend to insure compliance with this section. Such inspections shall be conducted as provided for in Chapter 66, article 3.~~ Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 15. That original section 66-428, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 286 in the Journal. No objections. So ordered.

AM2499
(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. That section 79-4,102, Revised Statutes Supplement, 1982, be amended to read as follows:

79-4,102. (1) The county superintendent of each county in which a Class VI school is not maintained shall, within thirty days after the annual meeting, certify to the county board of supervisors or commissioners the number of qualified pupils whose parents or guardians have applied to the county superintendent for nonresident high school tuition privileges or special education requirements and a list of school districts and servicing agencies for handicapped pupils which have been approved by the State Board of Education as schools or service agencies qualified to grant nonresident public high school education or special education programs to nonresident pupils under the provisions of sections 79-494 to 79-4,106 for nonhandicapped pupils and under the provisions of sections 43-606 and 43-646~~,~~ for handicapped high school age pupils.

(2) The high school tuition rate for nonresident pupils shall be determined annually by the receiving school district on a uniform compensatory basis for all such pupils.

(3) For the purposes of this section: (a) Receiving school district shall mean the school district where a nonresident student attends school; and (b) compensatory basis shall mean on the basis of the costs of instructing the nonresident students incurred by the receiving school district.

(4) The superintendent of each receiving school district shall certify, on or before the second Monday in July of each year, to each county superintendent seeking its services, the nonresident high school tuition rate for nonhandicapped children for the ensuing school year. The rate shall not exceed one hundred twenty-five per cent of the sum which results from dividing the total annual cost of secondary instruction in the district, as stated in the most recent report to the State Department of Education, by the average daily membership of secondary students in attendance during the period included in such report made pursuant to the requirements of the State Board of Education and the department.

(5) Any taxpayer may appeal the actions of the county board of equalization in the manner provided in sections 77-1606 to 77-1610 for any decisions regarding the rate of tuition for nonresident secondary students. ~~The high school tuition rate for nonresident pupils shall be determined annually by the receiving district on a uniform taxation basis for the support of the high school program of the receiving district. (a) The calculation shall take from the most current annual term finance report of the receiving district on file with the State Department of Education the total current expense listed on line 294 under the secondary column and, when necessary, adjustments shall be made to reflect such expense for grades nine through twelve only, plus ten per cent depreciation listed on line 470 under the secondary column. (b) Such figure shall be divided by an amount equal to the most current total valuation on record with the county clerk of the receiving district plus the valuation determined by~~

~~multiplying the most current valuation on record with the county clerk of all Class I school districts, not part of any Class VI district, in the county times a ratio equal to the number of students from the county registered to attend the receiving district for the ensuing year to the total number of nonresident students registered in the county for the ensuing year. (c) The figure resulting from dividing the expenses in subdivision (a) of this subsection by the total valuation in subdivision (b) of this subsection shall determine a levy to be assessed against such total valuation determined in subdivision (b) of this subsection for the operation of the secondary level program.~~

~~The levy determined shall be multiplied by the proportion of the total valuation of the Class I school districts of each county served by the receiving district to determine the dollars to be raised by the Class I districts and the product of such computation shall be divided by the total number of nonresident pupils registered to attend the receiving district to determine the per pupil rate for nonhandicapped pupils. The rate to be certified by the receiving district for the ensuing school year may be any amount decided by the receiving board but not less than the per pupil cost and shall not exceed one hundred twenty-five per cent of the computed rate determined by this section. There shall be added to the certified rate an additional service rate for handicapped pupils as provided by the rules and regulations adopted and promulgated by the State Board of Education. The superintendent of the receiving school shall certify such high school tuition rate for nonresident pupils to the county superintendent on or before the second Monday of July in each year.~~

~~(3) Any taxpayer may appeal from the action of the county board of equalization in resident high school tuition in the manner provided in sections 77-1606 to 77-1610. The county treasurer, the county superintendent, and each school district receiving funds from the nonresident high school tuition affected by the appeal shall be necessary parties. If the taxpayer alleges that the levy for nonresident high school tuition is for an unlawful or unnecessary purpose or in excess of the requirements of the school district fixing nonresident high school tuition, such appeal shall not~~

~~in any manner suspend the collection of any tax, nor the duties of the officers relating to such tax collection while such appeal is pending. Notwithstanding the provisions of section 77-1606, such appeal shall not suspend or stay in any manner the distribution of nonresident high school tuition funds.~~

~~(4) A taxpayer initiating an appeal may, as a part of such appeal and without instituting a separate action, apply to the court for injunctive relief pursuant to the provisions of sections 25-1062 to 25-1080 to stay or suspend the distribution of nonresident high school tuition funds while the appeal is pending. If an appeal is brought under this subsection and the court orders the taxpayer to give security, such security shall be an amount sufficient to secure the party enjoined and any other necessary party the damages he, she, or it may sustain, if the court decides that the injunction was wrongfully granted.~~

Sec. 2. That original section 79-4,102, Revised Statutes Supplement, 1982, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "to" in line 1 through "section" in line 5 and insert "relating to schools; to amend section 79-4,102, Revised Statutes Supplement, 1982; to change provisions relating to nonresident tuition as prescribed; to repeal the original section; and to declare an emergency".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM2498

1. Insert the following new section:

"Sec. 2. This act shall become operative on January 1, 1985.".

2. Renumber original section 2 as section 3.

Mr. Pappas asked unanimous consent to print the following amendment to LB 341 in the Journal. No objections. So ordered.

AM2493

1. Insert new sections as follows:

"Sec. 8. For fiscal year 1984-85 and each fiscal year thereafter the Legislature shall appropriate not less than fifty million dollars from the General Fund for reduction of school district property taxes pursuant to sections 9 to 11 of this act.

Sec. 9. The funds appropriated pursuant to section 8 of this act shall be distributed to the various county treasurers of the state on the basis of the pro rata enumeration of children between the ages of five and eighteen years in each county last returned to the county superintendent. The Commissioner of Education shall determine the amount to be distributed to each county treasurer, shall notify each county superintendent of the amount of funds to be received in that county by August 25 of each year, and shall certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in nine equal monthly payments on the last business day of each month beginning October 1984 and each October thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall on the last business day of each month draw warrants against funds appropriated.

Sec. 10. The amount of funds received by the county treasurer pursuant to section 9 of this act shall be subtracted by the county board from the various general fund levies of school district property taxes in the county as such levies are reported pursuant to section 23- 927 and shall reduce the school district general fund property tax to be levied by an amount equal to the amount of funds to be received by each school district in the county pursuant to sections 8 to 12 of this act. No school district shall take into consideration the amount it will receive under sections 8 to 12 of this act during its fiscal year in determining the property tax it would otherwise levy for that fiscal year and no county official shall notify the school district of the funds it will receive pursuant to sections 8 to 12 of this act until after August 25 of each year.

Sec. 11. The county superintendent of schools shall determine the amount of funds to be received by each school district levying property taxes in the county pro rata according to the enumeration of those children for which the district is obligated to report on the census between the ages of five and eighteen years. The county superintendent shall certify such amounts to the county board and county treasurer by August 25 of each year. The county treasurer shall distribute such amounts to the school districts within one month of receiving each monthly payment from the state pursuant to section 9 of this act.

Sec. 12. In addition to the sales and use tax levied pursuant to section 77-2715.01, there shall be levied an additional one half of one per cent sales and use tax commencing on July 1, 1984. All proceeds from such additional tax shall be deposited in the General Fund.

Sec. 13. Sections 8 to 12 of this act shall become operative on their effective date. The remaining sections shall become operative three calendar months after the adjournment of this session.

Sec. 15. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 297.

Introduced by Wesely, 26th District; Vickers, 38th District.

WHEREAS, Jim Scherr and Bill Scherr won individual national titles at the National Collegiate Athletic Association wrestling championships, becoming only the second and third national champions in University of Nebraska-Lincoln wrestling history; and

WHEREAS, Bill Scherr became a three-time All American, Jim Scherr became a two-time All American, and Gary Albright finished second nationally in his weight class at the meet; and

WHEREAS, the Cornhusker wrestling team under Coach Bob Fehrs finished fourth in the team standings at the National Collegiate Athletic Association wrestling championships, displaying both individual and team excellence in athletics.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Jim and Bill Scherr, Coach Bob Fehrs, and all the members and staff of the University of Nebraska-Lincoln wrestling team be congratulated for their achievements.

2. That copies of this resolution be sent to Jim Scherr, Bill Scherr, and Coach Bob Fehrs in recognition of their achievement.

Laid over.

LEGISLATIVE RESOLUTION 298.

Introduced by Newell, 13th District.

WHEREAS, a bill has been introduced in the United States House of Representatives to eliminate virtually all authority of local government to protect the interests of consumers of cable television service; and

WHEREAS, this bill, HR4103, would purport to substantially impair the ability of local government to enforce and benefit from mutually acceptable contractual obligations currently committed by all operators of cable television systems; and

WHEREAS, the Federal Communications Commission has taken action to substantially reduce the ability of local governments to insure that the rates changed for cable services are fair, non-discriminatory and competitive; and

WHEREAS, by virtue of LR93 this legislature previously went on record against a similar bill, S66.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE NEBRASKA, SECOND SESSION:

1. That this Legislature go on record to express its opposition to H.R.4103.
2. That this legislature go on record to encourage our Nebraska Congressional Delegation and all other members of the United States House of Representatives to oppose H.R. 4103 and to convey their opposition to Representative Dingell, Chairman of the House Energy and Commerce Committee.
3. That this Legislature go on record to encourage our Nebraska Congressional Delegation to introduce and support legislation aimed at restoring the rights of local governments jeopardized by recent actions of the Federal Communications Commission.
4. That copies of this resolution be sent to the Nebraska Congressional Delegation and to all members of the United States House of Representatives and to the League of Nebraska Municipalities.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following

amendment to LB 1129 in the Journal. No objections. So ordered.

L.B. 1129. Section 127. Program 929. The Board of Regents of the University of Nebraska is hereby authorized to proceed at the University of Nebraska at Omaha with demolition of annex buildings, and design and construction of the perimeter circulation road. There is hereby appropriated $373,860 from the State Building Fund for the fiscal year ending June 30, 1985, for this project. It is intended that the funds be expended as follows:

Demolish annexes to provide space for high rise garage - $33,000

Design and construct 1980 Leo Daly designed road - $340,860

INTENT - to reduce construction costs of circulation road and annex demolition and to provide an environmentally sound parking plan and circulation road.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1106A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1106, Eighty-eighth Legislature, Second Session, 1984.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 891 in the Journal. No objections. So ordered.

AM2497

1. On page 4, line 25, after the third comma insert “and also section 77-202.46, Reissue Revised Statutes of Nebraska, 1943,”.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 891 in the Journal. No objections. So ordered.

On line 3, after “16” add the words “insert creed, and”

Mr. Beyer asked unanimous consent to print the following amendment to LB 807 in the Journal. No objections. So ordered.

AM2524

1. Strike the original sections and all amendments thereto and insert new sections as follows:

"Section 1. That section 9-414, Uniform Commercial Code, as amended by section 12, Legislative Bill 808, Eighty-eighth Legislature, Second Session, 1984, be amended to read as follows:

9-414. Filing information; county clerk; register of deeds; Secretary of State; duties; fees.

(1) Upon receipt of a financing statement, an amendment to a financing statement, an assignment, a continuation statement, a termination statement, or a release of collateral, relating to (a) equipment used in farming operations, (b) farm products, including crops growing or to be grown, (c) farm products which become inventory of a person engaged in farming, or (d) accounts or general intangibles arising from or relating to the sale of farm products by a farmer, ~~described in section 9- 401,~~ each county clerk or register of deeds shall immediately transmit to the Secretary of State the following document information:

(i) Identification of the document and the county where the original document may be found;

(ii) Document number;

(iii) Name and address of the debtor or debtors;

(iv) Name and address of the creditor or creditors;

(v) Type or types of goods covered;

(vi) Date and time of filing; and

(vii) Social security or federal identification number of the debtor or debtors, if available.

(2) Upon receipt of a lien filed pursuant to Chapter 52, article 2, 5, 7, 9, 10, or 11 or Chapter 54, article 2, or an amendment, release, or termination of such lien, the county clerk or register of deeds shall immediately transmit to the Secretary of State the following document information:

(a) Identification of the document and the county where the original document may be found;

(b) Document number;

(c) Name and address of the debtor or debtors;

(d) Name and address of the creditor or creditors;

(e) Type or types of goods covered;

(f) Date and time of filing; and

(g) Social security or federal identification number of the debtor or debtors, if known.

(3) For each filing, amendment, separate statement of assignment, certificate of discharge or subordination, notice, certificate of release or nonattachment, partial release, or full release of a lien filed pursuant to Chapter 52, article 2, 5, 7, 9, 10, or 11 or Chapter 54, article 2, the county clerk or register of deeds shall charge such fees as are set forth in section 9-403, Uniform Commercial Code. The retention and distribution of such funds shall be the same as is provided for fees under subsection (9) of section 9-403, Uniform Commercial Code.

(4) Upon receipt of information transmitted pursuant to this section, the Secretary of State shall record and index the information so that on or before January 1, 1986, such information shall be available for the following types of inquiry: In person, written, and telephone and other electronic medium, including computers, except that information relative to security interests in crops growing or to be grown shall continue to be available for inquiry in the same manner as provided in section 9-411 before July 1, 1983.

2. That original section 9-414, Uniform Commercial Code, as amended by section 12, Legislative Bill 808, Eighty-eighth Legislature, Second Session, 1984, is repealed.".

Messrs. Beutler and Landis asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2495.)

Mr. Hoagland asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

AM2466
(Amendments to Standing Committee amendments, AM2257)

1. On page 29, line 23, after "appropriations" insert "without compensation"; and strike beginning with "Instream" in line 23 through the period in line 25.

VISITORS

Visitors to the Chamber were 42 Seniors and teacher from Crete High School, Crete; Senator Fenger's son, George Fenger, from Seattle, Washington; and 35 Seniors and teacher from Wahoo Neumann High School, Wahoo.

RECESS

At 12:15 p.m., on a motion by Mr. Remmers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Goll and V. Johnson who were excused; and Messrs. Clark, Fenger, Haberman, R. Peterson, Schmit, Von Minden, Wagner, Withem, Mesdames Labedz, Pirsch, and Miss Kilgarin who were excused until they arrive.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

Governor Appointments Monday, March 26, 1984 1:15 p.m.
Jeanne Smith - NE Arts Council
Hod Kosman - NE Arts Council
John LaMalfa - NE Bingo and Pickle Card Regulatory Commission

(Signed) Elroy Hefner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 642, 672, 760, 863, 883, 980, 992, 1007, 1016, and 1105.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 672

The following changes, required to be reported for publication in the Journal, have been made:

ER0203
1. On page 2, line 7, "(a)" has been struck and "(1)" inserted; and in line 13 "(b)" has been struck and "(2)" inserted.

Enrollment and Review Change to LB 1007

The following changes, required to be reported for publication in the Journal, have been made:
ER0202
1. On page 2, line 21, the paragraphing has been removed before "(a)".

(Signed) Mary Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 1117. Considered.

Mr. Beutler asked unanimous consent to withdraw his pending amendment found in the Journal on page 1277. No objections. So ordered.

Mr. Hannibal offered the following amendment:
1. On p. 2, strike beginning with the first comma in line 22 through "assistance" in line 23 and show as stricken.
2. On p. 3, strike beginning with the first comma in line 1 through "assistance" in line 2 and show as stricken; in line 12 strike beginning with "and" through "loans", and show as stricken; in line 26, strike "loan agreement," and show as stricken.
3. On p. 12, line 4, strike ", loans," and show as stricken.
4. On p. 13, in line 27, after "enterprise", insert ";".
5. On p. 14, strike lines 1 & 2 and show as stricken.

The Hannibal amendment was adopted with 26 ayes, 3 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Beutler offered the following amendment:
1. On page 7, lines 23 through 26, eliminate the following sentence: "Actions taken when such member or employee reasonably believed that he or she had no conflict of interest shall not be invalidated because of such conflict."
2. On page 8, lines 2, eliminate the following language:
"of greater than five per cent"
3. On page 9, line 11, after the word "dishonesty" insert the words ", gross negligence".

4. On page 14, line 11, add the word "substantial" after the word "create".
5. On page 14, line 22, add the phrase "in a reasonable period of time" after the word "investment".
6. On page 15, line 15, after the word "the" insert the word "qualified".
7. On page 15, line 17, after the word "the" insert the word "qualified".
8. On the Standing Committee Amendments, line 8, after the word "employees" add the following words:
"and which is not controlled directly or indirectly by any person or corporation providing monies deposited in the Small Business Investment Fund".
9. On the Standing Committee Amendments, line 19, after the word "authority" add the following words:
"nor as authority to appropriate state funds to the authority in the future".

The Beutler amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Advanced to E & R for Review with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1127. Placed on Select File as amended.
E & R amendments to LB 1127:
AM5394

1. On page 1, strike beginning with "the" in line 3 to "receive" in line 4.

2. On page 2, line 18, after "disabled" insert an underscored comma; in line 22 strike "Survivors" and insert "Survivors'"; and in line 25 after "disability" insert an underscored comma.

LEGISLATIVE BILL 1126. Placed on Select File as amended.
E & R amendments to LB 1126:
AM5393

1. On page 1, strike beginning with "economic" in line 1 through "funds" in line 2 and insert "appropriations; to appropriate funds for

economic development initiatives; to appropriate funds to the School Foundation and Equalization Fund".

2. On page 2, line 1, after "of" insert "sections 1 to 5 of".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1128 in the Journal. No objections. So ordered.

AM2442

1. On page 100, in lines 9 and 10, strike "102,508" and insert "159,508".

RESOLUTION

LEGISLATIVE RESOLUTION 299.

Introduced by Vickers, 38th District; Hoagland, 6th District.

WHEREAS, John Lynch was known as the father of the Nebraska State Education Association, serving more than thirty years as a field worker, administrator, and lobbyist for the association; and

WHEREAS, John Lynch battled strongly and tirelessly for the education causes in which he believed, including increased state aid for public schools and equal treatment of students; and

WHEREAS, Mr. Lynch's years of service and his contributions to education will long be remembered; and

WHEREAS, Mr. John Lynch passed from this life on March 15, 1984, at the age of 72.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature takes this opportunity to recognize the effort and contributions to education made by Mr. Lynch.
2. That the Legislature extends its sympathy to the family of John Lynch.
3. That a copy of this resolution be presented to the family of John Lynch.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 762. Title read. Considered.

Standing Committee amendments, AM1972, printed separate from the Journal and referred to on page 965 were considered.

Mr. Beutler offered the following amendment to the Standing Committee amendments:
Strike the new language beginning with the first "the" in line 8, page 4 through the word "rule" in line 12, page 4
On line 12, page 4 strike the phrase "a political subdivision"
On line 13, page 4 change the word "three" to "one"

The Beutler amendment lost with 11 ayes, 19 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendments:
Strike the following phrase in line 15, page 2 "which shall be a standing committee"

The Beutler amendment was adopted with 19 ayes, 0 nays, 28 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendments:
Change the words "two years" in lines 21 & 22 Pg. 12 to "one year"

The Beutler amendment was adopted with 19 ayes, 4 nays, 24 present and not voting, and 2 excused and not voting.

Mr. Wesely offered the following amendment to the Standing Committee amendments:
P. 2 line 22 Strike "thirty" and reinsert "twenty"

Mr. Wesely moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Abboud Beutler Higgins Hoagland Kilgarin
Labedz Landis Marsh McDonald Newell
Rupp Schmit Vickers Warner Wesely
Withem

Voting in the negative, 28:

Barrett	Beyer	Carsten	Chronister	DeCamp
Eret	Fenger	Haberman	Hannibal	Harris
Hefner	Jacobson	Johnson, L.	Johnson, R.	Kahle
Lamb	Lundy	Morehead	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Scofield
Sieck	Von Minden	Wagner		

Absent and not voting, 3:

Chambers	Clark	Goodrich

Excused and not voting, 2:

Goll	Johnson, V.

The Wesely amendment lost with 16 ayes, 28 nays, 3 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment to the Standing Committee amendments:
In line 15, page 9 change "two" to "one"

The Beutler amendment was adopted with 22 ayes, 0 nays, 25 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendments:
Strike the words "the chairperson of the Administrative Rules and Regulations Review Committee" on lines 16, 17, and 18, page 9 and substitute the following "the majority of the members of the Administrative Rules and Regulations Review Committee"

The Beutler amendment was adopted with 24 ayes, 0 nays, 23 present and not voting, and 2 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 880. Placed on Select File as amended.
E & R amendment to LB 880:
AM5392

Because of line number differences between the bill as introduced and the green copy, all amendments are to the green copy.

1. On page 1, strike lines 2 through 14 and insert "44-1622, Revised Statutes Supplement, 1982, and section 44-1620.01, Revised Statutes Supplement, 1983; to change the amounts of state contributions; to provide powers for the Risk Manager relating to bid specifications; to provide an operative date; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 880A. Placed on Select File as amended.
E & R amendments to LB 880A:
AM5395

1. On page 9, line 23, strike "Survivors" and insert "Survivors' ".
2. On page 26, line 4, strike "Judges" and insert "Judges' ".
3. On page 32, line 26, after "Wheat" insert "Development, Utilization, and Marketing".
4. On page 39, line 12, strike "Nebraska" and insert "State".
5. On page 40, line 9, strike "Political".
6. On page 45, line 21, strike "Administration" and insert "Administrative".
7. On page 46, line 12, after "Nebraska" insert "Soil and".

LEGISLATIVE BILL 1034. Placed on Select File as amended.
E & R amendment to LB 1034:
AM5396

1. On page 1, line 2, strike "Legislative" and insert "legislative".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp and H. Peterson asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

AM2528
(Amendments to AM2383)

1. On page 10, strike beginning with "and" in line 8 through "subsection" in line 11.

2. On page 11, strike beginning with "but" in line 1 through "Nebraska" in line 16 and strike all amendments thereto.

Mr. Warner asked unanimous consent to print the following amendment to LB 1128 in the Journal. No objections. So ordered.

AM2490

1. On page 9, in lines 10, 11, and 21 strike "1,417,479" and insert "1,430,979"; and in line 23, strike "1,692,307" and insert "1,705,807".

2. On page 52, after line 15, insert the following:

"There is included in the appropriation to this program $24,000 General Funds for state aid which shall only be used for such purpose.".

3. On page 56, line 9, strike "980,027" and insert "998,819".

4. On page 57, line 9, strike "980,320" and insert "1,009,670"; in line 10, strike "2,796,732" and insert "2,826,082"; and in line 12, strike "1,419,515" and insert "1,447,515".

5. On page 58, line 6, strike "2,202,896" and insert "2,232,246".

6. In the Warner amendment, AM2386, on page 2, line 26, strike "5,212,561" and insert "5,241,911".

7. On page 69, line 11, strike "554,537" and insert "578,787"; in line 13 strike "614,537" and insert "638,787"; in line 22 strike "2,934,265" and insert "2,910,015"; and in line 26, strike "3,113,368" and insert "3,089,118".

8. On page 87, line 6, strike "1,253,483" and insert "1,292,483".

9. On page 88, line 8, strike "119,419" and insert "133,515"; and in line 9, strike "494,096" and insert "480,000".

10. On page 97, line 19, strike "1,847,335" and insert "1,697,335".

11. On page 100, line 12, strike "53,557" and insert "55,199"; and in line 21, strike "509,866" and insert "556,400".

12. On page 105, line 11, strike "63,740" and

insert “73,850”; and in line 21 strike “400,384” and insert “419,555”.

13. On page 111, line 18, strike “non-general”.

14. On page 112, line 11, after the semicolon insert “and”; strike line 12; and in line 13 strike “(p)” and insert “(o)”.

15. On page 113, line 7, strike “hiring, minimum permanent, and maximum” and insert “annual”; in line 15 after the second comma insert “annual”; in line 16 strike “(7), and (8)” and insert “and (7)”; strike beginning with “permanent” in line 18 through “81-117.02” in line 20 and insert “employees who are classified at or above salary grade 15 as defined by the State Classification and Pay Plan”; in line 22 after the second comma insert “annual”; and in line 23 strike “(7), and (8)” and insert “and (7)”.

16. On page 114, in lines 11 and 12, strike “minimum permanent” and insert “hiring”; strike lines 23 through 25; and in line 26 strike “(8)” and insert “(7)”.

17. On page 115, line 3, strike “(9)” and insert “(8)”; and in line 9 strike “(10)” and insert “(9)”.

18. On page 128, line 21, after “Fund” insert “, LB 410 Trust Fund”; after line 21 insert:

“(20) The Nebraska State Colleges: Student Activity Trust Funds at Chadron, Kearney, Peru, and Wayne State Colleges, Wayne State Bequests Trust Fund;”; and in line 22 strike “(20)” and insert “(21)”.

19. On page 129, line 2, strike “(21)” and insert “(22)”; in line 5 strike “(22)” and insert “(23)”; in line 7 strike “(23)” and insert “(24)”; in line 9 strike “(24)” and insert “(25)”; in line 12 strike “(25)” and insert “(26)”; in line 14 strike “(26)” and insert “(27)”; and in line 22 strike “(27)” and insert “(28)”.

20. On page 138, line 9, strike “and” and after “LB 585A,” insert “and LB 632A,”.

Mr. Warner asked unanimous consent to print the following amendment to LB 530 in the Journal. No objections. So ordered.

AM2522

1. On page 2, line 10, strike beginning with “Effective” through “agricultural”, show as stricken,

and insert "Agricultural"; in line 18 strike "Effective April 1, 1983" and insert "Except as provided in sections 4 to 6 of this act, effective October 1, 1984"; strike lines 21 through 23; and in line 24 strike "April 1, 1985" and insert "January 1, 1988".

2. On page 3, line 10, strike "after June 1, 1979," and show as stricken; in line 17 strike "Effective April"; in line 18 strike "1, 1983," and insert "Except as provided in sections 4 to 6 of this act, effective October 1, 1984,"; strike beginning with "Effective" in line 20 through the period in line 23; and in line 23 strike "April 1, 1985" and insert "January 1, 1988".

3. On page 4, line 25, strike "6" and insert "10"; and in line 26 strike "April 1, 1985" and insert "January 1, 1988".

4. Insert new sections as follows:

"Sec. 4. In order to insure appropriate stability in funding and the ability to implement currently planned programs and plan future programs for the maintenance and construction of city streets, county roads, and state highways in this state, it is the purpose of sections 4 to 6 of this act to restrict to a certain amount the loss of revenue due to the tax rate reduction provided in sections 66- 410 and 66- 428 for agricultural ethyl alcohol produced in the State of Nebraska for use as a motor vehicle fuel and for motor vehicle fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol whose purity is at least ninety- nine per cent alcohol, excluding denaturant.

Sec. 5. (1) On or before the thirtieth day prior to the first day of every calendar quarter, the Tax Commissioner shall compute for the next calendar quarter the amount of difference between the actual receipts from the taxes imposed in the preceding calendar quarter, pursuant to this section and sections 66- 410, 66- 428, 66- 473, 66- 477, and 66- 478, on motor vehicle fuel subject to the tax rate reduction provided in sections 66- 410 and 66- 428, and the estimated receipts from such taxes if the tax rate reduction provided in sections 66- 410 and 66- 428 and this section for such motor vehicle fuel were not in effect.

(2) If the amount of difference computed pursuant to subsection (1) of this section exceeds the amount provided in section 6 of this act, the Tax

Commissioner shall compute a tax rate reduction per gallon, set in increments of one- tenth of one cent, except that in no case shall the tax rate reduction be more than four cents per gallon, for such motor vehicle fuel which would limit the amount of difference to no more than the amount provided in section 6 of this act, taking into consideration any adjustments made pursuant to subsection (3) of this section. Such tax rate reduction shall apply for the next calendar quarter to all such motor vehicle fuel instead of the tax rate reduction provided in sections 66- 410 and 66- 428.

(3) In making the computations required by subsections (1) and (2) of this section, the Tax Commissioner shall, if necessary, adjust the computations for the next calendar quarter to account for the difference between the actual receipts from the taxes imposed in the preceding calendar quarter on such motor vehicle fuel pursuant to this section and sections 66- 410, 66- 428, 66- 473, 66- 477, and 66- 478 and the amount provided in section 6 of this act for the preceding calendar quarter.

(4) The tax rate reduction computed pursuant to this section shall be distributed to all licensed motor vehicle fuel dealers at least five days prior to the first day of any calendar quarter during which the tax rate reduction is to be adjusted. Such tax rate reduction shall be utilized in computing the tax due for the period specified by the Tax Commissioner.

Sec. 6. The amount of revenue lost due to the tax rate reduction provided in sections 66- 410 and 66- 428 and section 5 of this act which shall be allowed, pursuant to section 5 of this act, shall be as follows:

(1) Beginning October 1, 1984, one million eight hundred thousand dollars for each calendar quarter;

(2) Beginning January 1, 1986, one million two hundred fifty thousand dollars for each calendar quarter; and

(3) Beginning January 1, 1987, six hundred twenty- five thousand dollars for each calendar quarter.

Sec. 8. Sections 4 to 6 of this act shall terminate on January 1, 1988, and each section shall be repealed in its entirety along with all amendments thereto.".

5. Strike original section 7.

6. Strike the Standing Committee amendments.
7. Renumber remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 457A. By Wesely, 26th District

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 457, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp, Vickers, McDonald, Fenger, and Newell asked unanimous consent to print the following amendment to LB 1128 in the Journal. No objections. So ordered.

AM2472

1. Strike the Warner amendment, AM2388, found on pages 1510 and 1511 of the Journal.

GENERAL FILE

LEGISLATIVE BILL 762. Mrs. Higgins moved to indefinitely postpone.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 8 nays, and 26 not voting.

Miss Kilgarin asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Higgins moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mrs. Higgins requested a record vote on her motion to indefinitely postpone.

Voting in the affirmative, 17:

Abboud	Chambers	DeCamp	Eret	Goodrich
Higgins	Hoagland	Labedz	Landis	Marsh
McDonald	Newell	Rupp	Schmit	Vickers
Warner	Wesely			

Voting in the negative, 26:

Barrett	Beyer	Carsten	Chronister	Clark
Fenger	Haberman	Hannibal	Hefner	Jacobson
Johnson, L.	Johnson, R.	Kahle	Lamb	Lundy
Morehead	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Scofield	Sieck	Von Minden	Wagner
Withem				

Present and not voting, 3:

Beutler	Harris	Nichol

Excused and not voting, 3:

Goll	Johnson, V.	Kilgarin

The Higgins motion to indefinitely postpone lost with 17 ayes, 26 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Hoagland offered the following amendment:

1. On page 1, line 17, after "agency" insert "or a political subdivision"; and in line 22 after "agency" insert "or political subdivision".

2. On page 2, line 19, after "agency" insert "or political subdivision"; and in line 22 strike the new matter and reinstate the stricken matter.

3. On page 3, in lines 1, 2, 9, 14, 23, and 26, after "agency" insert "or political subdivision"; and in line 25 after "agency's" insert "or political subdivision's".

4. On page 4, in lines 4, 11, and 15, after "agency" insert "or political subdivision";

5. On page 5, line 3, after the first and second "agency" insert "or political subdivision"; in

line 5 after “state” insert “or local”; and in line 24 after “voters” insert “pursuant to section 3 of this act”.

6. On page 6, in lines 2, 4, 7, 8, 20, and 25, after “agency” insert “or political subdivision”.

7. On page 8, strike beginning with the first comma in line 2 through “matter” in line 6; in lines 7 and 10, after “agency” insert “or political subdivision”; strike lines 17 through 19; in line 20 strike “(2)” and insert “(1)”; and in line 24 strike “(3)” and insert “(2)”.

8. On page 9, in lines 1, 5, 11, 18, 23, and 25, after “agency” insert “or political subdivision”.

9. On page 10, line 19, after “agency” insert “and political subdivision”; and in line 23 strike “agency”.

10. On page 11, in lines 3, 4, 5, 10, and 14, after “agency” insert “or political subdivision”; strike beginning with “who” in line 19 through the comma in line 20; and strike lines 25 and 26.

11. On page 12, strike line 1; in line 2 strike “(6)” and insert “(5)”; in line 4 strike “(7)” and insert “(6)”; in line 6 strike “(8)” and insert “(7)”; in lines 11 and 12 strike “agency”; and in line 13 after “agency” insert “or political subdivision”.

The Hoagland amendment lost with 12 ayes, 19 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment:

Amend LB 762 to add a Sunset Clause to become effective July 1 1987.

The Newell amendment lost with 16 ayes, 18 nays, 12 present and not voting, and 3 excused and not voting.

Mrs. Higgins requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Barrett
Beyer
Carsten
Chronister
Clark
Fenger
Haberman
Hannibal
Harris
Hefner
Jacobson
Johnson, L.
Johnson, R.
Kahle
Lamb
Lundy
Morehead
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Von Minden
Wagner
Withem

Voting in the negative, 15:

Abboud Chambers Eret Goodrich Higgins
Hoagland Labedz Landis Marsh McDonald
Newell Rupp Schmit Warner Wesely

Present and not voting, 4:

Beutler DeCamp Scofield Vickers

Excused and not voting, 3:

Goll Johnson, V. Kilgarin

Advanced to E & R for Review with 27 ayes, 15 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 244. Read. Considered.

Messrs. Abboud and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Hefner, Clark, Jacobson, and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Warner moved to indefinitely postpone LR 244.

Laid over.

LEGISLATIVE BILL 829. Title read. Considered.

Standing Committee amendment, AM2047, found in the Journal on page 1036 for the Thirtieth Day was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner moved to indefinitely postpone LB 829.

Laid over.

LEGISLATIVE BILL 1078. Title read. Considered.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendments, AM2082, found in the Journal on page 1117 for the Thirty-Third Day lost with 0 ayes, 19 nays, 21 present and not voting, and 9 excused and not voting.

Mr. Haberman offered the following amendment:
AM2012

1. On page 3, line 8, after the comma insert "including hazardous wastes,"; in line 20 after "entity" insert an underscored semicolon; and strike beginning with "except" in line 20 through line 21 and show as stricken.

2. On page 4, line 7, after "any" insert "air, land, or".

3. On page 7, strike beginning with "or" in line 9 through "regulations" in line 11 and show as stricken.

4. On page 12, line 8, after the semicolon insert "and"; and strike beginning with "and" in line 19 through line 27.

5. On page 13, strike lines 1 through 4.

6. On page 15, line 27, reinstate the stricken matter.

7. On page 16, strike the new matter in lines 7 through 14.

8. On page 25, line 2, after the second comma insert "design and construction,".

9. On page 27, line 2, after "wastes" insert an underscored period; and strike beginning with "if" in line 2 through the period in line 3 and show as stricken.

10. Strike original section 4.

11. On page 38, line 26, after "intent" insert "or knowing violation".

12. On page 43, line 14, reinstate the stricken matter; and strike the new matter in lines 15 through 21.

13. On page 44, line 19, strike "may" and insert "shall"; and strike beginning with the comma in line 22 through "only" in line 26.

14. Strike section 10.

15. On page 48, line 16 strike "81-1505.01," and insert "and" and strike "and 81-1531.02,".

16. Renumber remaining sections accordingly.

The Haberman amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 949. Passed over.

LEGISLATIVE BILL 807. Title read. Considered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments found in the Journal on page 1496 and AM1986 found in the Journal on page 1289. No objections. So ordered.

Mr. Beyer renewed his pending amendment, AM2524, found in this day's Journal.

The Beyer amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 667. Title read. Considered.

Standing Committee amendments, AM2370, found in the Journal on page 1551 for the Forty-Fourth Day were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Messrs. Beyer, Withem, and Pappas asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 803. Title read. Considered.

Standing Committee amendments, AM2369, found in the Journal on page 1556 for the Forty-Fourth Day were adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 711. Title read. Considered.

Standing Committee amendments, AM1827, found in the Journal on page 676 for the Eighteenth Day were adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Messrs. Haberman and R. Peterson asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 1 nay, 5 present and not voting, and 14 excused and not voting.

Messrs. Remmers and Von Minden asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 711A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 890. Title read. Considered.

Mr. Harris asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 1084. Title read. Considered.

Standing Committee amendments, AM1883, found in the Journal on page 801 for the Twenty-Second Day were adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mr. Newell asked unanimous consent to withdraw his pending amendment found in the Journal on page 665. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 1 nay, 6 present and not voting, and 17 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AM2544
(Amendments to Standing Committee amendments)

1. Insert the following new amendment:

"5. On page 5, line 4, strike 'and nursing homes'.".

2. Renumber original amendment 5 as amendment 6.

Mr. Vickers asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

AM2526

1. In the Vickers amendment, AM2383:

(a) On page 10, strike beginning with "Individuals" in line 24 through line 26 and insert "Individuals employed by schools which elect not to meet accreditation or approval requirements shall not be required to meet the certification requirements prescribed in Chapter 79, article 12, but shall either (A) take appropriate subject matter components of a nationally recognized teacher competency examination or (B) offer evidence of competence to provide instruction in the basic skills required by this subsection pursuant to informal methods of evaluation which shall be developed by the State Board of Education. Such evidence may include educational transcripts, diplomas, and other information regarding the formal educational background of such individuals. Information concerning test results, transcripts, diplomas, and other evidence of formal education may be transmitted to the State Department of Education by authorized parent representatives. The results of such testing or alternative evaluation of individuals who monitor the instruction of students attending such schools may be used as evidence of whether or not such schools are offering adequate instruction in the basic skills prescribed in this section and section 79-328, but shall not be used to prohibit any such school from employing such individuals."; and

(b) On page 11, strike beginning with "requirements" in line 1 through the period in line 11; and in line 11 insert paragraphing before "The".

2. In the E & R amendments, AM5391, on page 2, strike beginning with "line" in line 10 through "in" in line 11; and in line 11 after "12" insert a comma.

Mr. Wesely asked unanimous consent to print the following amendment to LB 880 in the Journal. No objections. So ordered.

AM2550

1. Strike the Standing Committee amendments.
2. On page 5, lines 6 through 11, strike the new matter and reinstate the stricken matter.
3. Insert the following new sections:

"Sec. 10. This act shall become operative on July 1, 1984.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. Renumber original section 10 as section 11.

VISITORS

Visitors to the Chamber were Senator Kahle's grandchildren, John and Jennifer Kahle from Lincoln, and Ricardo and Carla Reyes from Honduras, Central America; and Senator Jacobson's son, Jim Jacobson.

ADJOURNMENT

At 6:12 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Wednesday, March 21, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 21, 1984

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Mr. Jerry Wallis from Christian Science Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Goll who was excused; and Messrs. Beutler, Haberman, Hefner, Hoagland, V. Johnson, Newell, Schmit, Withem, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1682, line 11, strike "20" and insert "0".
The Journal for the Forty-Eighth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 716, 726, 822, 910, and 999.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 726

The following changes, required to be reported for publication in the Journal, have been made:

ER0205

1. In the E & R amendments, AM5337, on page 1, line 20, “commas” has been struck and “the first comma” inserted.

Enrollment and Review Change to LB 999

The following changes, required to be reported for publication in the Journal, have been made:

ER0204

1. On page 2, line 16, “and” has been struck and “or” inserted.
2. On page 3, line 10, “act” has been struck and “section” inserted.

(Signed) Mary Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

Insert after “pay.”, line 3, page 3:
“Inability to pay shall not be deemed willful failure to pay.”

Mr. Vickers asked unanimous consent to print the following amendment to LB 341 in the Journal. No objections. So ordered.

AM2502
(Amendments to AM 1926)

1. On page 2, line 12, after “ten” insert “as nearly as possible equal” and strike beginning with “with” in line 12 through the first comma in line 15.

Mr. DeCamp asked unanimous consent to print the following amendment to LR 17 in the Journal. No objections. So ordered.

AM2529

1. Strike original sections 1 and 2 and insert the following new sections:

“Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendments to Article VIII, section 1, and by adding to such Article a new section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

‘Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied upon separate and distinct classes of property by valuation uniformly and proportionately upon each class and there shall be classes for land actively used for agriculture, land not used for agriculture, all improvements to real estate, and all other ~~all~~ tangible property and franchises, except that the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, semi-trailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of said county on personal tangible property. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.

Sec. 13. Beginning January 1, 1985, the maximum amount of ad valorem tax levied on any homestead, as defined by the Legislature, for any taxable year shall not exceed one and one half per cent of the actual value of such property as determined by the assessment rolls, except for ad valorem taxes levied for retiring, refunding, or servicing indebtedness approved by the voters according to law. Such limitation may be increased by an affirmative vote of three- fourths of the members of the Legislature or, within a political subdivision, by a majority vote of the electors within such subdivision voting on such issue, except that any such increased limitation shall not be effective for more than one tax year after any such vote.'.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> 'Constitutional amendment to establish separate and distinct classes of property for the purpose of taxation and to limit the amount of tax levied on homesteads and to authorize increases as prescribed.
>
> For
>
> Against'.".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 294 and LR 295.

RESOLUTIONS

LEGISLATIVE RESOLUTION 296. Read. Considered.

Mrs. Marsh asked unanimous consent to have her name added as co-introducer to LR 296. No objections. So ordered.

LR 296 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 297. Read. Considered.

LR 297 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 299. Read. Considered.

LR 299 was adopted with 28 ayes, 0 nays, and 21 not voting.

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointments found in the Journal on page 1595: Public Employees Retirement Board; Anne Brookes, Tamara Brandt, and Philip Kaldahl.

Voting in the affirmative, 25:

Abboud	Barrett	Beyer	Carsten	Chronister
DeCamp	Fenger	Goodrich	Hannibal	Harris
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Landis
Marsh	Morehead	Nichol	Peterson, H.	Scofield
Sieck	Vickers	Von Minden	Warner	Wesely

Voting in the negative, 0.

Present and not voting, 13:

Chambers	Clark	Eret	Jacobson	Lamb
Lundy	McDonald	Pappas	Peterson, R.	Pirsch
Remmers	Rupp	Wagner		

Excused and not voting, 11:

Beutler	Goll	Haberman	Hefner	Higgins
Hoagland	Johnson, V.	Labedz	Newell	Schmit
Withem				

The appointments were confirmed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 884. E & R amendments, AM5378, found in the Journal on page 1622 for the Forty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 882. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1128. E & R amendments, AM5383, found in the Journal on page 1652 for the Forty-Seventh Day were adopted.

Mr. Beyer renewed his pending amendment found in the Journal on page 1543.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Beyer moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Newell requested a roll call vote on the Beyer amendment.

Voting in the affirmative, 25:

Barrett Beyer Chambers Chronister Clark
DeCamp Eret Fenger Goodrich Haberman
Harris Higgins Jacobson Johnson, R. Labedz
McDonald Nichol Pappas Peterson, R. Remmers
Schmit Scofield Sieck Vickers Von Minden

Voting in the negative, 20:

Abboud Carsten Hannibal Johnson, L. Johnson, V.
Kahle Kilgarin Lamb Landis Lundy
Marsh Morehead Newell Peterson, H. Pirsch
Rupp Wagner Warner Wesely Withem

Excused and not voting, 4:

Beutler Goll Hefner Hoagland

The Beyer amendment was adopted with 25 ayes, 20 nays, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Vickers renewed his pending amendment found in the Journal on page 1659.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1659. No objections. So

ordered.

Mr. Warner renewed his pending amendment found in the Journal on page 1678.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Warner amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Landis renewed his pending amendment, AM2442, found in the Journal on page 1698.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Landis amendment was adopted with 26 ayes, 4 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Warner renewed his pending amendment, AM2490, found in the Journal on page 1702.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Messrs. DeCamp, Vickers, McDonald, Fenger, and Newell renewed their pending amendment, AM2472, found in the Journal on page 1706.

MR. KAHLE PRESIDING

Mr. DeCamp moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Beyer Carsten Chronister DeCamp Fenger
Haberman Hannibal Higgins Johnson, R. Johnson, V.
Kilgarin Landis Lundy McDonald Newell

Nichol
Pappas
Remmers
Rupp
Schmit
Vickers
Von Minden
Withem

Voting in the negative, 21:

Abboud
Barrett
Chambers
Clark
Eret
Harris
Hefner
Jacobson
Johnson, L.
Kahle
Lamb
Marsh
Morehead
Peterson, H.
Peterson, R.
Pirsch
Scofield
Sieck
Wagner
Warner
Wesely

Present and not voting, 1:

Goodrich

Excused and not voting, 4:

Beutler
Goll
Hoagland
Labedz

The DeCamp et al amendment lost with 23 ayes, 21 nays, 1 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 300.

Introduced by R. Johnson, 34th District.

WHEREAS, Mary Lou Campbell of Central City, Nebraska has been selected as Nebraska's Mother of the Year by the Nebraska Mothers Association of American Mothers, Inc; and

WHEREAS, this honor reflects Mary Lou Campbell's extraordinary dedication and competence in the rearing of six children and the maintenance of a nursing career; and

WHEREAS, Mary Lou Campbell exemplifies qualities of perseverance, selflessness, public spiritedness and personal integrity to which we all aspire.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

SECOND SESSION:

1. That the Legislature hereby commend Mary Lou Campbell for her unique contribution to the wellbeing of the citizens of the State of Nebraska; and

2. That the Legislature hereby offer its congratulations upon the selection of Mary Lou Campbell as Mother of the Year for 1984.

Laid over.

LEGISLATIVE RESOLUTION 301.

Introduced by R. Johnson, 34th District.

WHEREAS, the year 1984 marks the one hundredth birthday of the community of Phillips, Nebraska; and

WHEREAS, Phillips has been and will continue to be an outstanding community; and

WHEREAS, many citizens have contributed to the growth and stability of Phillips in the past 100 years; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for its accomplishments; and

WHEREAS, the citizens of Phillips deserve special recognition during their centennial celebration which takes place May 26-28, 1984.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize and commend the citizens of Phillips for its one hundredth anniversary.

2. That the legislature congratulate and extend best wishes to the citizens of the community of Phillips.

3. That a copy of this resolution be sent to Mayor Dave Rosenquist and the citizens of Phillips.

Laid over.

LEGISLATIVE RESOLUTION 302.

Introduced by Von Minden, 17th District.

WHEREAS, the year 1984 marks the one hundredth anniversary of the City of Wayne; and

WHEREAS, the City of Wayne is the county seat and an important cornerstone to all residents of Wayne County; and

WHEREAS, Wayne State College, the only four year state college in northeast Nebraska is located in Wayne, having been in existence since

1891; and

WHEREAS, the City boasts 164 retail firms, serving an established agricultural and growing industrial community; and

WHEREAS, Wayne has been, is, and will continue to be an outstanding community and citizens of the Wayne Community are deserving of special recognition during their celebration which takes place August 25 through September 3.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize and commend the City of Wayne for its one hundredth anniversary.
2. That the Legislature congratulates and extends best wishes to the citizens of the Wayne Community.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 922 in the Journal. No objections. So ordered.

AM2512

1. Strike original section 5 and insert a new section as follows:

"Sec. 5. The technical community college system shall be governed by a board to be known as the Board of Governors of the Technical Community College System. Such board shall consist of thirteen members. To insure geographical representation, two members from each of the technical community college areas shall be elected by the voters in the area. The Commissioner of Education shall be an ex officio member, who shall be allowed to vote only to break a tie.

Board members shall be elected for four- year terms, except that of the members elected to the initial board, one representative from each technical community college area shall serve a two- year term.

Board members shall not receive a salary but shall be reimbursed for their actual and necessary expenses as provided in sections 84- 306.01 to 84- 306.05 for state employees.

Any vacancy occurring on the board shall be filled by appointment by the Governor for the balance of the unexpired term.".

ATTORNEY GENERAL'S OPINION

Opinion No. 203
March 20, 1984

RE: LB 744

Dear Senator Hoagland:

This is in reply to your inquiry of March 15, 1984, concerning LB 744, as amended by the Legislature and advanced to final reading the same date. Inasmuch as an official final reading copy is not yet available, this opinion is based upon a copy of LB 744 which purports to reflect amendments adopted as of March 15, 1984, and is attached hereto.

We will restate the questions in your letter and answer them in the order presented.

1. Does the bill prohibit the utilization of electronic video lottery devices, which have commonly been referred to as "video slot machines," to effectuate local lotteries as are now in operation in the City of Bellevue and other political subdivisions as of January 1, 1985?

ANSWER: Yes.

It is an established and accepted rule of statutory construction that a statute will generally be given its plain and ordinary meaning and will be open to construction only if it is ambiguous. Douglas County v. Board of Regents, 210 Neb. 573, 316 N.W.2d 62 (1982).

LB 744 is, in our opinion, clear and unambiguous that (1) a gambling device, as defined in Neb.Rev.Stat. §28-1101(5), as amended, includes the kinds of machines described in your question, and (2) a lottery, as defined in §28-1101(6), as amended, will not include machines as described in your question. Since existing statutes (§§28-1116 and 28-1116.01(Supp. 1983)) authorize lotteries only to be conducted by governmental subdivisions and the definition of lottery does not include these machines, the bill prohibits the use of such electronic video devices to carry out the lottery when authorized by the voters to be conducted by a city or other governmental subdivision.

2. Does the bill effectively place a freeze on any additional authorizations by political subdivision on the utilization of video slot machines on the effective date of the act?

ANSWER: The critical language pertinent to this question and questions 3 and 4 of your letter is contained in section 2 of LB 744 which provides:

> Any county, city, or village which has authorized, established, or is conducting a lottery which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming

> device on the effective date of this act may conduct such lottery only within the boundaries of such county or the corporate limits of such city or village until January 1, 1985, at which time such lottery shall be terminated.

(Emphasis added.)

The use of the word "or" in the second line of section 2 above may cause some doubt. This is so because the word "or," while not always used in the disjunctive, is usually so considered and that is its commonly accepted meaning. State ex rel. Finigan V. Norfolk Livestock Sales Co., 178 Neb. 87, 132 N.W.2d 302 (1964).

The stated intent of section 2 as it appeared before the Legislature in discussion of section 2 of LB 744 on March 15, 1984, is as follows:

> SENATOR HOAGLAND: What exactly do you intend in using the language, "authorized, established or conducting a lottery which uses any mechanical gaming device and so forth."
>
> SENATOR V. JOHNSON: Okay, my intention is very simple. Number (1), that the people, that prior to the effective date of 744, which if it passes with the emergency clause means sometimes next week, prior to that time, the people have voted to permit a governmental operated lottery. Secondly, the city council or the county board, as the case may be, has decided that one of the kinds of lotteries which is going to offer is the video lottery. Third that the county board or the city council as the case may be has issued contracts to establish such a lottery. That is it.
>
> SENATOR HOAGLAND: So if I understand you correctly, the governing board of the political subdivision has to actually have entered into a contract with a company that provides these electronic slot machines or video slot machines prior to the effective date of the act which if passed with the emergency clause will be the day after the governor's signature.
>
> SENATOR V. JOHNSON: That is correct.

Since the language of section 2 is somewhat ambiguous, a court could utilize the above discussion to ascertain intent. However, since the section has a time limit it is doubtful the courts could be effectively utilized in such a short time.

A rewording of section 2 more in keeping with the stated intent would simplify enforcement. Therefore, we conclude that the present language does not effectively place a freeze on additional authorizations of such devices.

3. Does the bill effectively require those political subdivisions that have authorized lotteries using such machines to conduct them only within their boundaries?

ANSWER: Yes.

The answer to this question is also contained in section 2 of the bill quoted above. We think it is clear that this effectively limits the use of the devices to the boundaries of the governmental subdivision involved.

4. Does the bill prohibit the use and operation of video slot machines in any locality other than those set out above, and if so, would law enforcement officials be authorized to seize such machines and prosecute the owner/operators thereof.

ANSWER: Yes.

The bill in conjunction with existing gambling statutes, such as Neb.Rev.Stat. §28-1102 (Reissue 1979) promoting gambling, and §28-1107 (Reissue 1979) possession of a gambling device, effectively outlaws the use of video slot machines, except as to the governmental subdivisions discussed under number 2.

Law enforcement officers have authority to search for and seize property used to violate the laws or which is evidence of such a violation, and to prosecute the owner, operator, possessor, transporter and others when such person or persons know the device will be used to advance unlawful gambling activity, or participate as a player.

Respectfully submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
attach.
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 553 in the Journal. No objections. So ordered.

1. Page 4, line 8: strike "1984", insert "1985"
line 14: strike "1983", insert "1984"
2. Page 5, line 3: strike "1984", insert "1985"
3. Page 6, line 8: strike "1986", insert "1987".

Mr. Hefner asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2534
(Amendments to AM2088)

1. On page 24, after line 13, insert the following new subsections:

"(10) Notwithstanding any other provision of this section, no person shall receive a certificate or permit to teach, counsel, supervise, or administer in public schools in this state nor shall any person receive an apprentice, initial, standard, or professional teaching certificate without first taking a nationally recognized standardized achievement test for teachers or the equivalent thereof which is recognized by the State Department of Education and educators generally as a proper indicator of teacher competence. If the results of the test demonstrate unsatisfactory performance, such person shall not receive the certificate or permit. Unsatisfactory performance shall be established if the test score is below the average national test scores for similar certificates or permits.

(11) Notwithstanding any other provision of this section, no person shall possess for a period longer than five years a certificate or permit to teach, counsel, supervise, or administer in public schools in this state nor shall any person possess for a period longer than five years an apprentice, initial, standard, or professional teaching certificate without taking every five years a nationally recognized standardized achievement test for teachers or the equivalent thereof which is recognized by the State Department of Education and educators generally as a proper indicator of teacher competence. If the results of the test demonstrate unsatisfactory performance, such person shall relinquish the certificate or permit. Unsatisfactory performance shall be established if the test score is below the national test scores for similar certificates or permits.".

Mr. Hefner asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2535
(Amendments to AM2088)

1. On page 14, line 23, before "The" insert "(1)".

2. On page 15, after line 17, insert the following new subsection:

"(2) Every student attending a public school in this state shall annually take a nationally recognized standardized achievement test which is recognized by the State Department of Education and educators generally as a proper indicator of student progress in reading, language arts, and mathematics. Unsatisfactory performance shall be established for each individual student if his or her test score is lower than the national average test score for students of that age or grade level. If the results of the testing demonstrate unsatisfactory performance, the student shall not be advanced to the next higher grade level. No student shall graduate from any public school in this state when the results of his or her test are lower than the national average test score for students of that age or grade level.".

SELECT FILE

LEGISLATIVE BILL 1128. Mr. Haberman offered the following amendment:

AM2520

Purpose: To remove Program No. 384 - Nebraska Corn Development, Utilization, and Marketing Board from Agency No. 18 — Department of Agriculture and create Agency No. 88 — Nebraska Corn Development, Utilization, and Marketing Board.

Amendment

1. On page 27, strike lines 1 through 5; in line 6 strike "(10)" and insert "(9)"; in line 13 strike "(11)" and insert "(10)"; in line 19 strike "(12)" and insert "(11)"; and in line 25 strike "(13)" and insert "(12)".

2. On page 28, line 7, strike "4,672,510" and insert "3,674,128"; and inline 10 strike "9,160,969" and insert "8,162,587".

3. Insert the following new section:

"Sec. 82. Agency No. 88 — Nebraska Corn Development, Utilization, and Marketing Board

Program No. 384 - Nebraska Corn Development, Utilization, and Marketing Board

CASH FUND 998,382

PROGRAM TOTAL 998,382

Total expenditures for permanent and temporary salaries and per diems shall not exceed $48,743.".

4. On page 118, strike beginning with "Nebraska" in line 4 through the first comma in line 5.

5. On page 124, after line 1 insert the following new subdivision:

"(63) Nebraska Corn Development, Utilization, and Marketing Board: Nebraska Corn Development, Utilization, and Marketing Fund;"; in line 2 strike "(63)" and insert "(64)" and inline 5 strike "(64)" and insert "(65)".

6. On page 134, line 25, strike "83" and insert "84".

7. On page 135, line 1, strike "82" and insert "83"; after line 1 insert

AGENCY SECTION SECTION SECTION SECTION SECTION SECTION
"Corn Development, Utilization, and Marketing Board, Nebraska
82".

8. Renumber the remaining sections accordingly.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Haberman moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud Barrett Chronister Eret Fenger
Goodrich Haberman Jacobson Johnson, R. Kahle
McDonald Newell Nichol Pappas Peterson, R.
Pirsch Remmers Rupp Von Minden

Voting in the negative, 21:

Carsten Chambers Hannibal Harris Hefner
Johnson, L. Johnson, V. Kilgarin Lamb Landis
Lundy Marsh Morehead Peterson, H. Scofield
Sieck Vickers Wagner Warner Wesely
Withem

Present and not voting, 2:

Beyer Clark

Absent and not voting, 1:

Schmit

Excused and not voting, 6:

Beutler DeCamp Goll Higgins Hoagland

Labedz

The Haberman amendment lost with 19 ayes, 21 nays, 2 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Warner offered the following amendment:
PURPOSE: To add $35,000 General and $35,000 Cash to the budget of the State Fire Marshal to hire two grain elevator inspectors.
AMENDMENT:
On page 33, in line 23, strike "242,453" and insert "277,453"; in line 24, strike "1,026,485" and insert "1,061,485"; in line 26, strike "1,304,689" and insert "1,374,689".
On page 34, in line 1, strike "819,923" and insert "861,923".

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Newell offered the following amendment:
In the Warner amendment, AM2388, strike numbers amendment sections 1, 3, 4, 5, 6.
On page 1, line 8, strike "17,068,660" and insert "17,416,960"; on page 2, strike "23,088,850" and insert "23,520,650";

PRESIDENT MCGINLEY PRESIDING

Mr. Newell moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Beyer Chronister Eret Fenger Haberman
Hannibal Jacobson Johnson, R. Johnson, V. Kilgarin
Landis Lundy McDonald Newell Nichol
Pappas Pirsch Remmers Rupp Schmit
Vickers Von Minden Withem

Voting in the negative, 19:

Abboud Barrett Carsten Chambers Clark

Goodrich Harris Hefner Johnson, L. Kahle
Lamb Marsh Morehead Peterson, H. Scofield
Sieck Wagner Warner Wesely

Excused and not voting, 7:

Beutler DeCamp Goll Higgins Hoagland
Labedz Peterson, R.

The Newell amendment lost with 23 ayes, 19 nays, and 7 excused and not voting.

The Chair declared the Call raised.

Messrs. Schmit, R. Johnson, Clark, Remmers, Haberman, Abboud, Beyer, and Harris asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Newell offered the following amendment:

On page 83, lines 6 & 7, strike "89,202,052" and insert "86,979,052", and in lines 16 & 17, strike "22,752,079" and insert "22,212,079";

On page 84, in lines 7 & 8, strike "46,540,613" and insert "45,440,613".

UNL	-2,223,000
UNO	-540,000
UNMC	-1,100,000
	$-3,863,000

The Newell amendment lost with 3 ayes, 16 nays, 15 present and not voting, and 15 excused and not voting.

Mr. Newell requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 2 nays, 7 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 867. E & R amendments, AM5380, found in the Journal on page 1654 for the Forty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 1126 in the Journal. No objections. So ordered.

AM2562
(Amendments to AM 2303)

1. On page 1, line 10, after "6." insert "(1)"; and after the first period in line 19 insert the following:

"(2) In addition to the amount appropriated in subsection (1) of this section, there is hereby appropriated $10,000,000 from the General Fund to the School Foundation and Equalization Fund. Such amount shall be in addition to other amounts appropriated to the School Foundation and Equalization Fund. Fifty per cent of such amount shall be distributed pursuant to section 79-1334 and the other fifty per cent of such amount shall be distributed pursuant to section 79-1339.

(3) In addition to the amounts appropriated in subsections (1) and (2) of this section, there is hereby appropriated $10,000,000 from the General Fund to the School Foundation and Equalization Fund. Such amount shall be in addition to other amounts appropriated to the School Foundation and Equalization Fund. Fifty per cent of such amount shall be distributed pursuant to section 79-1334 and the other fifty per cent of such amount shall be distributed pursuant to section 79-1339.

(4) In addition to the amounts appropriated in subsections (1), (2), and (3) of this section, there is hereby appropriated $5,000,000 from the General Fund to the School Foundation and Equalization Fund. Such amount shall be in addition to other amounts appropriated to the School Foundation and Equalization Fund. Fifty per cent of such amount shall be distributed pursuant to section 79-1334 and the other fifty per cent of such amount shall be distributed pursuant to section 79-1339.".

Mr. Landis asked unanimous consent to print the following amendment to LB 832 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2533.)

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1127 in the Journal. No objections. So ordered.

AM2259

1. Insert the following new sections:

"Sec. 2. That section 68-1020, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1020. Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and all individuals less than nineteen years of age who are eligible under section 1905(a) of the Social Security Act, as amended.

Sec. 3. Section 2 of this act shall become operative on July 1, 1984.".

2. On page 3, line 1, strike "section" and insert "sections" and before the comma insert "and 68-1020"; and in line 2 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 11 seniors and teacher from Benedict High School, Benedict; Senator R. Johnson's brother, Brad Johnson; Mrs. Joyce Klein and Jenna Klein from Wayzata, Minnesota; Linda Shepard, Veronica Reilly, Ruth Walla, and Bernard & Lee Paden; 88 fourth graders and teacher from Golden Hills Elementary School, Omaha.

RECESS

At 12:09 p.m., on a motion by Mr. Landis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. Goll who was excused; and Messrs. Barrett, Clark, DeCamp, Haberman, Harris, Hoagland, R. Johnson, Landis, Newell, R. Peterson, Remmers, Schmit, Mesdames Higgins, Labedz, Morehead, Pirsch, and Ms. Scofield who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 908. E & R amendments, AM5372, found in the Journal on page 1585 for the Forty-Fifth Day were adopted.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1340. No objections. So ordered.

Messrs. Goodrich and Wagner offered the following amendment:

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 79-801, Revised Statutes Supplement, 1983, be amended to read as follows:

79-801. (1) The territory embraced within the corporate limits of each incorporated city or village in the State of Nebraska, together with such additional territory and additions to such city or village as may be added thereto, as declared by ordinances to be boundaries of such city or village, having a population of more than one thousand and less than one hundred thousand inhabitants, including such adjacent territory as now is or hereafter may be attached for school purposes, shall constitute a school district of the third class and be known by the name of The School District of (name of city or village), in the county of (name of county), in the State of Nebraska. As such in that name, the district shall be a body corporate and possess all the usual powers of a corporation for public purposes, and in that name and style may sue and be sued, purchase, hold, and sell such personal and real estate~~,~~ and control such obligations as are authorized by law. The title to all school buildings or other property, real or personal, owned by any school district within the corporate limits of any city or village, shall, upon the organization of the district, vest immediately in the new district; and the board of education of the new district shall have exclusive control of the same for all purposes herein contemplated, except ~~; PROVIDED,~~ that ~~where~~ if the territory annexed by a change of boundaries of such city has been part of a Class IV~~,~~ or V~~,~~ ~~or VI~~ school district prior to such annexation, a merger of the annexed territory with the Class III school district shall become effective only if the merger is approved by a majority of the members of the board of education of the Class IV or V school district and a majority of the members of the board of education of the Class III school district within ninety days after the effective date of the annexation ordinance.

(2) Notwithstanding the provisions of subsection (1) of this section, when territory which lies within a Class III, VI, or Class I which is attached to a Class VI school district or which does not lie within a Class IV or V school district is annexed by a city or village pursuant to this section, the affected school board of the city or village district and the affected school board or boards serving the territory subject to the annexation ordinance shall meet within thirty days of the effective date of the annexation ordinance and negotiate in good faith as to which school district shall serve the annexed territory and the effective date of any transfer. During the process of negotiation, the affected school boards shall consider the following criteria:

(a) The educational needs of the students in the affected school districts;

(b) The economic impact upon the affected school districts;

(c) Any common interests between the annexed or platted area and the affected school districts and the community which has zoning jurisdiction over the area; and

(d) Community educational planning.

If no agreement has been reached within ninety days of the effective date of the annexation ordinance, the territory shall transfer to the school district of the annexing city or village ten days thereafter, unless an affected district petitions the district court within the ten- day period and obtains an order enjoining the transfer and requiring the school boards of the affected districts to continue negotiation. The court shall issue the order upon a finding that the affected school board or boards have not negotiated in good faith based on one or more of the criteria listed in this subsection. The district court shall require no bond or other surety as a condition for any preliminary injunctive relief. If no agreement is reached after such order by the district court and additional negotiations, the annexed territory shall become a part of the school district of the annexing city or village. ~~for more than one year prior thereto, having been annexed by petition, the question as to which district the annexed territory shall be part of shall be negotiated by the school boards of the school districts involved. If the majority of the members of each school board cannot reach agreement on such question within ninety days after the effective date of the city annexation ordinance, the question of which school district the annexed territory shall be a part of shall be placed on the ballot for the next primary or general election. The registered voters of all Class I districts which form the annexed territory shall then vote on the question at such election. When a city or village subject to this section annexes territory in which registered voters reside and which has been part of a Class III school district for more than one year prior thereto, the issue of whether the area annexed shall remain a part of its current school district or whether it shall become part of the school district of the annexing city or village shall be submitted to the registered voters of the area annexed. The issue may be submitted at a primary, general, or special election. The election shall be conducted in the same manner, as nearly as possible, as other elections in such school district are conducted. Notice of the election to be held pursuant to this section shall be published at least once each week for three weeks prior to the election. The governing board of the school district of the annexing city or village shall call for the election and shall pay the costs of such election. A simple majority of votes cast shall resolve the issue.~~

(3) If, within the boundaries of the annexed territory, there exists a Class VI school, the school building, facilities, and land owned by the school district shall remain a part of the Class VI school district. ~~notwithstanding any action taken by the school boards and notwithstanding the result of such election.~~

If the Class VI school district from which territory is being annexed wishes to dispose of such school building, facilities, or land to any individual or political subdivision, including a Class I school district, the question of such disposition shall be placed on the ballot for the next primary or general election. All registered voters of such Class VI school district shall then vote on the question at such election. A simple majority of the votes cast shall resolve the issue.

(4) Whenever an application for approval of a final plat or replat is filed for territory which lies within the zoning jurisdiction of a city of the first or second class and does not lie within the boundaries of a Class IV or V school district, the affected school board of the city district or their representative and the affected school board or boards serving the territory subject to the final plat or replat or their representative shall meet within thirty days of such application and negotiate in good faith as to which district shall serve the platted or replatted territory and the effective date of any transfer based upon the criteria prescribed in subsection (2) of this section.

If no agreement has been reached prior to the approval of the final plat or replat, the territory shall transfer to the school district of the city of the first or second class upon the filing of the final plat, unless an affected district petitions the district court within ten days of approval of the final plat or replat and obtains an order enjoining the transfer and requiring the affected school boards to continue negotiation. The court shall issue the order upon a finding that the affected board or boards have not negotiated in good faith based on one or more of the criteria listed in subsection (2) of this section. The district court shall require no bond or other surety as a condition for any preliminary injunctive relief. If no agreement is reached after such order by the district court and additional negotiations, the platted or replatted territory shall become a part of the school district of the city of the first or second class.

(5) Notwithstanding any other provisions of this section, all negotiated agreements relative to boundaries or to real or personal property of school districts reached by the affected boards of education shall be valid and binding.

~~(2) Notwithstanding subsection (1) of this section or section 79- 801.02, no annexation by a city or village encompassed within any Class III school district, which annexation occurs after April 26, 1983, but before August 15, 1984, shall operate to change any~~

~~school district boundaries in the area annexed, nor shall any election prescribed by subsection (1) of this section be held after April 26, 1983, but before August 15, 1984. Nothing in this section shall prevent the boards of education of annexing and annexed school districts affected by such annexation by a majority vote of the members of such boards from entering into an agreement concerning any boundary changes and disposition of property. For annexations occurring on or after August 15, 1984, the provisions of this subsection shall be null and void and shall have no effect. Any changes in school district boundaries which would otherwise occur as a result of annexations occurring after April 26, 1983, but before August 15, 1984, shall be governed by the provisions of applicable law as such may exist after August 15, 1984.~~

Sec. 2. That original section 79-801, Revised Statutes Supplement, 1983, is repealed.”.

SPEAKER NICHOL PRESIDING

The Goodrich-Wagner amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 1131. Placed on General File as amended.
Standing Committee amendment to LB 1131:
AM2554

1. On page 4, strike lines 12 through 18; and in line 26 strike “Tax Refund” and insert “Highway Trust”.

LEGISLATIVE BILL 1130. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 825A. Placed on Select File.
LEGISLATIVE BILL 906A. Placed on Select File.
LEGISLATIVE BILL 970A. Placed on Select File.

LEGISLATIVE BILL 994A. Placed on Select File as amended.
E & R amendment to LB 994A:
AM5397

1. On page 2, lines 13 and 22, strike "(1)".

LEGISLATIVE BILL 1089A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wagner asked unanimous consent to have his name added as co-introducer to LB 908. No objections. So ordered.

MOTION - Return LB 805 to Select File

Mr. Wesely moved to return LB 805 to Select File for the following specific amendment:
AM2508
(Amendment to the Final Reading copy)

1. On page 3, line 17, strike "purposes" and insert "policy of the state set forth in section 1"; in line 23 after "submitted" insert "for settlement" and after "Board" insert "by any party to the agreement"; and in line 27 strike "make its recommendations for the" and insert ", within forty-five days, enter an order setting forth its decision on the issues in disagreement and the disposition of the dispute, taking into consideration whether the relief requested by the party submitting the dispute is in furtherance of the public policy set forth in section 1 of this act and will place any undue burden upon the parties affected thereby. Any provision in an order of the board regarding the rate to be charged shall be advisory only and shall not be binding.".
2. On page 4, strike lines 1 and 2.

Mr. Wesely asked unanimous consent to withdraw his pending motion to return to Select File. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 805.

A BILL FOR AN ACT relating to public power; to provide a statement of policy; to authorize certain agreements; to provide powers and duties for the Nebraska Power Review Board; to provide an exemption from certain laws as prescribed; and to provide intent.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud Barrett Beyer Carsten Chronister
Clark Eret Fenger Goodrich Haberman
Hannibal Harris Hefner Higgins Hoagland
Jacobson Johnson, L. Johnson, R. Johnson, V. Kahle
Kilgarin Lamb Landis Lundy Marsh
Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler McDonald

Excused and not voting, 5:

Chambers DeCamp Goll Labedz Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 976A to Select File

Mr. Haberman moved to return LB 976A to Select File for the following specific amendment:
AM1932

1. Insert the following new section:

"Sec. 2. The General Fund appropriation for the period July 1, 1984, to June 30, 1985, to the

Department of Agriculture, for Program 333, is hereby reduced by $23,423.".

The motion to return prevailed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 976A. The Haberman specific amendment, AM1932, found in this day's Journal was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1095.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-1202, Reissue Revised Statutes of Nebraska, 1943; to change a penalty as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Fenger	Goodrich	Haberman
Hannibal	Harris	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Withem	

Voting in the negative, 1:

Wesely

Present and not voting, 1:

Eret

Excused and not voting, 3:

Chambers DeCamp Goll

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1098.

A BILL FOR AN ACT relating to schools; to amend section 79-402, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to changing the boundaries of certain school districts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beyer Carsten Chronister
Clark Eret Fenger Goodrich Haberman
Hannibal Harris Hefner Higgins Hoagland
Jacobson Johnson, L. Johnson, R. Johnson, V. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Chambers DeCamp Goll

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 249.

A BILL FOR AN ACT to amend section 48-649, Reissue Revised Statutes of Nebraska, 1943, relating to employment security; to change provisions relating to employer's contributions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Eret
Fenger
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 3:

Chambers
DeCamp
Goll

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 453.

A BILL FOR AN ACT to amend section 81-885.21, Reissue Revised Statutes of Nebraska, 1943, relating to the State Real Estate Commission; to change provisions for trust account deposits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. L. Johnson requested a roll call vote.

Voting in the affirmative, 22:

Abboud Barrett Beutler Chronister Fenger
Goodrich Hannibal Hoagland Johnson, L. Johnson, V.
Kilgarin Labedz Lamb McDonald Morehead
Nichol Peterson, R. Pirsch Rupp Schmit
Warner Withem

Voting in the negative, 23:

Beyer Carsten Clark Eret Haberman
Harris Hefner Higgins Jacobson Johnson, R.
Kahle Landis Marsh Newell Pappas
Peterson, H. Remmers Scofield Sieck Vickers
Von Minden Wagner Wesely

Present and not voting, 1:

Lundy

Excused and not voting, 3:

Chambers DeCamp Goll

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

MOTION - Return LB 677 to Select File

Mr. Warner moved to return LB 677 to Select File for the following specific amendment:
AM2145

1. Insert the following new section:

"Section 1. That section 39-663, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-663. (1) Whenever the Department of Roads shall determine, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place, or part of such highway, which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway. The ~~; Provided, that the~~ maximum rural and freeway limits set forth in sections 39-601 to 39-6,122 shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(2) The speed limits set by the Department of Roads provided for in subsection (1) of this section shall not be a departmental rule, regulation, or order subject to the statutory procedures for such rules, regulations, or orders, but shall be an authorization over the signature of the Director-State Engineer and shall be maintained on permanent file at the headquarters of the Department of Roads. Certified copies of such authorizations shall be available from the Department of Roads at a reasonable cost for duplication. Any change to such an authorization shall be made by a new authorization which cancels the previous authorization and establishes the new limit, but the new limit shall not become effective until signs showing the new limit are erected, as provided in subsection (1) of this section.

(3) County boards on county roads not part of the state highway system or within the limits of any state institution or any area under control of the Game and Parks Commission and outside of the corporate limits of cities and villages shall have the same power and duty to alter the maximum speed limits as the Department of Roads. Any alteration of the maximum speed limit shall be based on an engineering and traffic investigation comparable to that made by the Department of Roads, except that for a county road in and approaching a business or residential area of at least four acres in size and with a lot density of at least five developed lots per acre, the county board may, after due consideration of the traffic and engineering investigation, set a speed limit of no more than ten miles per hour less than the speed limit recommended by the investigation. ~~; Provided, that the change is based on an engineering and traffic investigation comparable~~

~~to that made by the Department of Roads; and provided further, that~~ Under no circumstances shall the limit outside of a business or residence district ~~shall not~~ be decreased to less than thirty-five miles per hour.

(4) Incorporated cities and villages on all streets within their corporate limits, except on state-maintained freeways which are part of the state highway system, shall have the same power and duty to alter the maximum speed limits as the Department of Roads if ~~; Provided,~~ such change is based on engineering and traffic investigation. No ~~; and provided further, that no~~ imposition of speed limits on streets which are part of the state highway system in cities and villages under forty thousand inhabitants shall be effective without the approval of the Department of Roads.

(5) The director of any state institution or the Game and Parks Commission, with regard to roads not a part of the state highway system and within the limits of such institution or area under Game and Parks Commission control, and outside the limits of any incorporated city or village, shall have the same power and duty to alter the maximum speed limits as the Department of Roads if ~~; Provided,~~ such change is based on an engineering and traffic investigation comparable to that made by the Department of Roads.

(6) Not more than six such speed limits shall be set per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than twenty miles per hour.".

2. On page 2, line 20, strike "section" and insert "sections 39-663 and"; and in line 21 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

Mr. Beutler requested a ruling of the Chair on whether the Warner amendment is germane to the bill.

The Chair ruled the amendment not germane.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 677.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-698, Reissue Revised Statutes of Nebraska, 1943; to change powers of the Department of Roads relating to traffic-control devices; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Eret	Fenger	Goodrich
Haberman	Hannibal	Harris	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Present and not voting, 1:

Marsh

Excused and not voting, 3:

Chambers DeCamp Goll

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 985 to Select File

Mr. Schmit moved to return LB 985 to Select File for his pending amendment, AM2477, found in the Journal on page 1616.

The motion to return prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 985. The Schmit specific amendment, AM2477, found in the Journal on page 1616 was adopted with 31 ayes, 0 nays, 15

present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 985 to Select File

Mr. Beutler moved to return LB 985 to Select File for the following specific amendment:
Delete the sentence beginning with "The" on line 1, page 3.

The Beutler motion to return lost with 10 ayes, 15 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Beutler moved to return LB 985 to Select File for the following specific amendment:
On line 25, page 2 change the word "shall" to "may"

The Beutler motion to return prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 985. The Beutler specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 466 to Select File

Mr. V. Johnson moved to return LB 466 to Select File for the following specific amendment:
Strike the enacting clause.

The V. Johnson motion to return lost with 8 ayes, 26 nays, 12 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 466.

A BILL FOR AN ACT to amend sections 37-430 to 37-432 and 77-27,132, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to state intent; to provide for the protection of certain species; to create a fund; to provide for contributions from tax refunds as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud Barrett Beyer Carsten Chronister
Clark Eret Fenger Goodrich Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Kahle Kilgarin Labedz Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Von Minden Wagner
Warner Withem

Voting in the negative, 8:

Haberman Hannibal Johnson, R. Johnson, V. Lamb
Peterson, H. Vickers Wesely

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Chambers DeCamp Goll

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 466A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 466, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud Barrett Beyer Carsten Chronister
Clark Eret Fenger Goodrich Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Kahle Labedz Landis Marsh McDonald
Morehead Newell Nichol Pappas Peterson, R.
Pirsch Remmers Rupp Schmit Scofield
Sieck Von Minden Wagner Warner Withem

Voting in the negative, 9:

Haberman Hannibal Johnson, R. Johnson, V. Lamb
Lundy Peterson, H. Vickers Wesely

Present and not voting, 2:

Beutler Kilgarin

Excused and not voting, 3:

Chambers DeCamp Goll

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 736.

A BILL FOR AN ACT relating to revolving charge agreements; to amend sections 45-204, 45-205, and 45-206, Reissue Revised Statutes of Nebraska, 1943, and section 45-207, Revised Statutes Supplement, 1982; to redefine terms; to change provisions relating to agreement requirements; to prohibit certain uses of revolving charge agreements; to change a provision relating to the seller's monthly statement; to change provisions relating to rates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud Barrett Beyer Carsten Chronister
Fenger Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Johnson, L. Johnson, R.
Johnson, V. Kahle Labedz Lamb Landis
Lundy Marsh McDonald Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch

Remmers Rupp Schmit Scofield Sieck
Vickers Von Minden Wagner Warner Withem

Voting in the negative, 0.

Present and not voting, 7:

Beutler Chambers Clark Eret Jacobson
Kilgarin Wesely

Excused and not voting, 2:

DeCamp Goll

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 758

Messrs. Newell and Beutler asked unanimous consent to withdraw their pending amendment found in the Journal on page 966. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 758.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708, Revised Statutes Supplement, 1983; to change provisions relating to certain sales and use tax revenue collections by retailers; to require a surety bond; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Beyer Chambers
Chronister Eret Fenger Goodrich Haberman
Hannibal Harris Hefner Higgins Hoagland
Jacobson Johnson, L. Johnson, R. Johnson, V. Kahle
Labedz Landis Lundy Marsh McDonald

Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Schmit
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 1:

Lamb

Present and not voting, 3:

Carsten Clark Kilgarin

Excused and not voting, 2:

DeCamp Goll

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 820 to Select File

Mr. Hefner moved to return LB 820 to Select File for the following specific amendment:
AM2543
(Amendment to the Final Reading Copy)

1. On page 1, line 2, after "1943" insert ", and section 53-135, Revised Statutes Supplement, 1983; to authorize payment of certain fees as prescribed".

2. Insert a new section as follows:

"Section 1. That section 53-135, Revised Statutes Supplement, 1983, be amended to read as follows:

53-135. A retail or bottle club license issued by the commission and outstanding may be automatically renewed by the commission without formal application if the commission has on file a bond as required by section 53-138.02, upon payment of the state registration fee, and license fee if payable to the commission. The registration fee for license renewals may be paid by a personal or business check. The payment thereof shall be an affirmative representation and certification by the licensee that all answers contained in an application, if submitted, would be the same in all material respects as the answers contained in the last previous application. The commission may at any time require a licensee to submit an application and the commission shall at any time require a licensee to submit an application if requested in writing to do so by the local governing body.

If a licensee files an application form in triplicate original upon seeking renewal of his or her license, the application shall be processed as set forth in section 53-131 and the security for costs as required by that section shall be submitted to the commission.

Any licensed retail or bottle club establishment located in an area which is annexed to any governmental subdivision shall file a formal application for a license, and while such application is pending, the licensee shall be authorized to continue all license privileges pursuant to section 53-124 until the original license expires or is canceled or revoked. If such license expires within sixty days following the annexation date of such area, the license may be renewed by order of the commission for not more than one year.".

3. On page 2, in lines 25 and 27 after "one" insert "bottle club or".

4. On page 3, line 6, strike "is" and insert "and section 53-135, Revised Statutes Supplement, 1983, are".

5. Renumber remaining sections accordingly.

The Hefner motion to return prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 820. The Hefner specific amendment, AM2543, found in this day's Journal was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 990.

A BILL FOR AN ACT relating to economic poisons and devices; to amend section 2-2603, Revised Statutes Supplement, 1982; to create a cash fund; to provide for the use of such fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Barrett	Beutler	Carsten	Chambers
Chronister	Eret	Fenger	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
McDonald	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Present and not voting, 3:

Clark	Harris	Morehead

Excused and not voting, 3:

Beyer	DeCamp	Goll

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 990A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 990, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Carsten Chambers
Chronister Eret Fenger Goodrich Haberman
Hannibal Hefner Hoagland Jacobson Johnson, L.
Johnson, R. Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Lundy Marsh McDonald
Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Schmit
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 3:

Clark Harris Higgins

Excused and not voting, 3:

Beyer DeCamp Goll

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1039 to Select File

Mr. Vickers moved to return LB 1039 to Select File for his specific amendment, AM2464, found in the Journal on page 1659.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb requested a ruling of the Chair on whether the Vickers amendment is germane to the bill.

The Chair ruled the Vickers amendment not germane.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1039. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to provide powers and duties for the Director of Banking and Finance in regard to violations of certain provisions; to provide procedures; to provide for notice and hearing; to provide for appeals; to provide duties for the

Attorney General and county attorneys; to provide penalties; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Barrett	Beutler	Carsten	Chronister
Clark	Eret	Fenger	Goodrich	Haberman
Hannibal	Harris	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, V.	Kahle	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 3:

Chambers Hefner Kilgarin

Present and not voting, 1:

DeCamp

Excused and not voting, 3:

Beyer Goll Johnson, R.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 229. Placed on Select File as amended.
E & R amendments to LB 229:
AM5398

1. On page 1, strike beginning with "provide" in line 3 through "restitution" in line 7 and insert "change provisions relating to money recovered in civil actions".

2. On page 2, lines 5 and 6, strike the

comma.

3. Renumber original section 10 as 2.

LEGISLATIVE BILL 790. Placed on Select File as amended.
E & R amendments to LB 790:
AM5399

1. In the Standing Committee amendments, AM2067, adopted March 13, 1984, on page 1, line 5, after "motion" insert a comma; in line 13 strike "When any" and insert "Any" and after "carrier" insert "which"; and in line 15 strike ", it".

2. On page 1, line 3, after "crossings" insert "; and to provide a penalty".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2539

1. In the Standing Committee Amendments:

a. On page 13, line 13, after the comma insert "after July 1, 1985,"; and in line 18 after "standard" insert ", which shall include vocational education courses,";

b. On page 15, line 2, strike "semester"; and in line 14 strike "semester" and strike "mean" and insert "be defined by appropriate rules and regulations of the State Board of Education but shall not be less than";

c. On page 16, line 18, after "establish" insert "or designate";

d. On page 17, line 22, strike "October" and insert "December";

e. On page 19, line 1, after "section" insert ", if applicable";

f. On page 22, line 1, strike "July 31, 1984" and insert "July 1, 1985"; and strike beginning with "the" in line 7 through "act" in line 8 and insert "July 1, 1985";

g. On page 23, strike beginning with "Any" in line 16 through "(9)" in line 26;

h. Strike section 14 and all amendments thereto;

i. On page 29, line 17, after "Sec. 15." insert "There is hereby created the Nebraska Career Teacher Incentive Fund which shall be administered by the State Department of Education. The Legislature shall appropriate money to the fund to be used for the payment of the stipends prescribed in this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72- 1237 to 72- 1269." and insert paragraphing before "Qualified"; and in line 18 strike "additional";

j. On page 33, strike lines 3 through 11;

k. On page 39, line 21, strike "15" and insert "14"; and

l. On page 40, line 21, strike "79-1340,".

2. Strike the Haberman amendment adopted March 1, 1984, found on page 1245 of the Journal.

3. In the E and R amendments, on page 3, line 12, strike "School Foundation and Equalization Fund" and insert "fund"; and in line 21 strike "line 3 and".

4. Renumber the remaining sections accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2540
(Amendments to the Standing Committee amendments)

1. On page 18, line 2, after the period insert "The certification levels prescribed in this subsection shall be applicable to teachers earning their first Nebraska teaching certificate after the effective date of this act and any teacher with an existing certificate issued pursuant to Title 92, Chapter 21, of the Nebraska Administrative Code as adopted on August 20, 1977, who elect to apply for a stipend payable pursuant to section 15 of this act.".

2. On page 19, line 7, after "years" insert ". The initial teaching certificate shall replace the prestandard certificate which shall be discontinued as teachers currently eligible for such certification level qualify for new levels of certification".

3. On page 20, line 20, strike "and" and insert "or".

4. On page 21, strike beginning with "Before" in line 11 through the period in line 18.

5. On page 26, line 12, after "Nebraska"

insert "and who does not hold a current out-of-state certificate to teach or administer"; and in line 16 after "comparable" insert "equivalent".

Mr. Vickers asked unanimous consent to print the following amendment to LB 994 in the Journal. No objections. So ordered.

AM2541

1. Strike the Lamb amendment, AM2127.

2. In the Standing Committee amendments, AM2088:

a. Insert new sections as follows:

"Sec. 23. Sections 3 to 5 and 25 of this act shall be operative for all school years commencing on or after August 1, 1985. The remaining sections shall become operative on their effective date.

Sec. 25. That original sections 79-201, 79-201.06, and 79-328, Reissue Revised Statutes of Nebraska, 1943, are repealed.";

b. On page 40, strike beginning with "79-201" in line 19 through the second comma in line 20; and

c. Renumber remaining sections accordingly.

Messrs. Chambers and Wesely asked unanimous consent to print the following amendment to LB 553 in the Journal. No objections. So ordered.

AM2565

1. On page 5, line 8, after "Africa" insert ", which has not satisfied the provisions of section 6 of this act".

2. On page 6, line 9, after "any" insert "financial institution or", in line 11 after "Africa" insert "which has not satisfied the provisions of section 6 of this act."; and strike beginning with the comma in line 11 through the period in line 15.

3. Insert the following new section:

"Sec. 6. State funds shall not be invested in the stocks or bonds of a corporation or financial institution doing business in or with the Republic of South Africa unless the corporation or financial institution has agreed to abide by, is implementing, and demonstrates that it is making good progress in implementing the following:

(1) Nonsegregation of the races in all eating, comfort, and work facilities;

(2) Equal and fair employment practices for all employees;

(3) Equal pay for all employees doing equal or comparable work for the same period of time;

(4) Initiation and development of training programs that will prepare substantial numbers of black and other nonwhite persons for supervisory, administrative, clerical, and technical jobs;

(5) Representation of black and other nonwhite persons in management and supervisory positions in a proportion equal to their percentage of the total population; and

(6) Improvement in the quality of employees' lives outside the work environment including, but not limited to, the areas of housing, transportation, education, recreation, and health care.".

4. On page 7, line 3, after the period insert "In determining whether corporations and financial institutions are making good progress in the implementation of the provisions of section 6 of this act, reports submitted to the International Council of Equal Opportunity Principles regarding the implementation of the Sullivan Principles by corporations or financial institutions monitored by such council may be considered.".

5. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 882, 884, and 867.

(Signed) Rod Johnson, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 298 was referred to the Reference Committee.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 805, 1095, 1098, 249, 677, 466, 466A, 736, 758, 990, 990A, 1039.

SELECT FILE

LEGISLATIVE BILL 1129. E & R amendments, AM5379, found in the Journal on page 1654 for the Forty-Seventh Day were adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1691. No objections. So ordered.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 880. E & R amendment, AM5392, found in the Journal on page 1701 for the Forty-Eighth Day was adopted.

Mr. Wesely renewed his pending amendment, AM2550, found in the Journal on page 1714.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud Barrett Chronister Clark DeCamp
Eret Hannibal Hoagland Jacobson Johnson, V.
Lamb Lundy Nichol Pappas Pirsch
Remmers Wesely

Voting in the negative, 21:

Carsten Chambers Goodrich Harris Hefner
Johnson, L. Johnson, R. Kahle Kilgarin Labedz
Landis Marsh McDonald Newell Peterson, H.
Rupp Schmit Vickers Wagner Warner
Withem

Present and not voting, 7:

Beutler Fenger Higgins Morehead Scofield
Sieck Von Minden

Excused and not voting, 4:

Beyer Goll Haberman Peterson, R.

The Wesely amendment lost with 17 ayes, 21 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Wesely offered the following amendment:
AM2551
(Amendments to the Standing Committee Amendments)

1. On page 1, line 16, strike "may" and insert "shall"; strike beginning with "various" in line 17 through "methods" in line 19 and insert "a new state employee health insurance program including reductions in first dollar health insurance coverage and, at the discretion of the Risk Manager, including self- insurance or any combination of funding methods. The Risk Manager shall open competitive bidding for such bid specifications to implement such insurance program beginning July 1, 1985".

Mr. Wesely moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud Beutler Chambers Chronister Clark
DeCamp Eret Fenger Hannibal Hoagland
Jacobson Johnson, V. Kahle Lamb Landis
Lundy Morehead Newell Nichol Pappas
Pirsch Sieck Wesely

Voting in the negative, 14:

Carsten Harris Hefner Johnson, L. Kilgarin
Labedz Marsh McDonald Peterson, H. Remmers
Rupp Wagner Warner Withem

Present and not voting, 6:

Barrett Goodrich Higgins Scofield Vickers
Von Minden

Excused and not voting, 6:

Beyer Goll Haberman Johnson, R. Peterson, R.
Schmit

The Wesely amendment lost with 23 ayes, 14 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 880A. E & R amendments, AM5395, found in the Journal on page 1701 for the Forty-Eighth Day were adopted.

Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

AM2569
(Amendments to the Standing Committee amendments)

1. Insert the following new sections:

“Section 1. That section 71-111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-111. For the purpose of giving examinations to applicants for license to practice the professions for which license is required by this act, the Department of Health shall appoint a board of examiners for each of such ~~said~~ professions except osteopathy and optometry. For the purpose of giving examinations to applicants for license to practice optometry as required by Chapter 71, article 1, the Board of Health shall appoint a board of examiners for optometry.

Sec. 2. That section 71-113, Revised Statutes Supplement, 1983, be amended to read as follows:

71-113. (1) Each board of examiners shall consist of three members, except that (a) in audiology and speech pathology the board shall consist of four members, (b) in dentistry the board shall consist of seven members, (c) in medicine and surgery the board shall consist of six members, (d) in embalming and funeral directing the board shall consist of four members, including one lay person appointed by the Department of Health, and (e) in pharmacy the board shall consist of five members including one lay member. Notwithstanding any other provision of law, the Department of Health may appoint one additional member, who shall be a lay member, to any board of examiners in accordance with the provisions of section 71-114.

(2) Membership on the Board of Examiners in Audiology and Speech Pathology shall consist of two members who are audiologists and two members who are speech pathologists. All members shall be qualified to be licensed in accordance with the provisions of this act. The members appointed to the initial board shall be licensed not later than six months after being appointed to the board. If for any reason a member cannot be licensed within such time period, a new member shall be appointed.

(3) Commencing on the effective date of this act, membership on the Board of Examiners in Optometry shall consist of two members who are opthamologists and one member who is an optometrist. All members shall be qualified to be licensed in accordance with the provisions of Chapter 71, article 1. The members appointed to the initial board shall be licensed not later than six months after being appointed to the board. If for any reason a member cannot be licensed within such time period, a new member shall be appointed.

Sec. 3. That section 71-116, Revised Statutes Supplement, 1983, be amended to read as follows:

71-116. (1) The ~~members of each board of examiners shall be appointed for a term of three years, except that on or after November 1, 1979, the~~ members of each board of examiners, except the Board of Examiners in Optometry, shall be appointed for a term of five years and no member shall be appointed for or serve for more than two consecutive full five-year terms.

(2) Commencing on or after the effective date of this act, the members of the Board of Examiners in Optometry shall be appointed for three- year terms. No member shall be appointed for or serve for more than two consecutive full three- year terms.

(3) ~~(2)~~ The members of the Board of Examiners in Dentistry shall be appointed as follows: As of December 1, 1971, one member shall be appointed for a term of five years and one member shall be appointed for a term of three years; as of December 1, 1972, one member shall be appointed for a term of three years; as of December 1, 1973, one member shall be appointed for a term of three years; and as of December 1 of each year thereafter, two members shall be appointed for a term of five years; and as of December 1, 1979, one member, who is a duly licensed dental hygienist and complies with the provisions of sections 71-114 and 71-115 shall be appointed for a term of five years. The dental hygienist member shall have full voting rights, except in matters pertaining to the initial or continuing licensure or competency of a duly licensed practitioner of dentistry. Thereafter successors with like qualifications shall be appointed for five-year terms. No member shall be appointed for or serve for more than two consecutive full five-year terms.

(4) ~~(3)~~ The members of the Board of Examiners in Medicine and Surgery shall be appointed as follows: Within thirty days after May 25, 1943, five members shall be appointed, one of whom shall hold office until December 1, 1944, one until December 1, 1945, one until December 1, 1946, one until December 1, 1947, and one until December 1, 1948; upon the expiration of said several terms, successors shall be appointed for terms of five years each. Within thirty days after October 19, 1963, a sixth member, who shall be a person eligible for appointment to the Board of Examiners in Osteopathy who also has a license to practice medicine and surgery in the State of Nebraska, shall be appointed for a term expiring on December 1, 1968. Thereafter successors with like qualifications shall be appointed for five-year terms. Upon the expiration of the five-year term of such sixth member of the board after August 30, 1981, his or her eligible successor shall be a person

who has a license to practice medicine and surgery and a license to practice osteopathy in the State of Nebraska.

(5) ~~(4)~~ The members of the Board of Examiners in Audiology and Speech Pathology shall consist of two audiologists and two speech pathologists and shall be appointed as follows: Within sixty days after July 22, 1978, four members shall be appointed, two of whom shall hold office until December 1, 1979, and two until December 1, 1980. Upon the expiration of such terms the successors shall be appointed for terms of five years each. No member shall be appointed for or serve for more than two consecutive five-year terms.

(6) ~~(5)~~ As of December 1, 1983, the Board of Examiners in Pharmacy shall be composed of five members, including four actively practicing pharmacists, one of whom practices within the confines of a hospital, and a lay member who is interested in the health of the people of Nebraska and is of the age of majority. The members of the Board of Examiners in Pharmacy shall be appointed as follows: As of December 1, 1983, the hospital pharmacist member shall be appointed for a term of five years and the lay member shall be appointed for a term of three years. Upon the expiration of such terms and the terms of existing members, all successors shall be appointed for terms of five years each.

(7) ~~(6)~~ The term of each examiner provided for herein shall commence on the first day of December, following the expiration of the term of the member whom such person succeeds, and shall be rotated in such a manner that no more than one examiner shall retire during any year in which a term expires unless the number of members on a board makes it impractical to do so.

(8) ~~(7)~~ The members of boards for professions, coming under the scope of sections 71-101 to 71-1,196, for the first time shall be appointed within thirty days after the effective date of the act providing for licensing of the profession, the terms of the initial board members to be as follows: One member shall hold office until December 1 of the third year, one until December 1 of the fourth year, and one until December 1 of the fifth year following the year in which the act providing for licensing of the profession became effective.".

2. On page 2, line 26, strike "4" and insert

"7".

3. On page 5, line 14, after "sections" insert "71-111,"; and in line 16 after "1943," insert "and sections 71-113 and 71-116, Revised Statutes Supplement, 1983,".

4. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 303.

Introduced by Hefner, 19th District; H. Peterson, 35th District; Von Minden, 17th District.

WHEREAS, the Taxpayers Survival Committee of Nebraska is circulating initiative petitions to limit state spending; and

WHEREAS, the object of one petition is to amend the Constitution of Nebraska to prevent expenditure increases in any one fiscal year over the prior fiscal year by the state at a rate greater than one half that of the rate of increase of personal per capita income of Nebraska residents. The total increase shall not exceed five per cent in a single fiscal year, except in an approved emergency. Revenue collections in excess of expenditures shall be impounded by the State Treasurer and furnished as general fund revenue in the year of approved use; and

WHEREAS, state spending has increased at an alarming rate in recent years; and

WHEREAS, state spending should be limited to the ability of the residents to support their government without undue hardship; and

WHEREAS, limiting state spending will stimulate the economy and thereby improve the standard of living for citizens of this state; and

WHEREAS, this measure may have the effect of reducing frivolous and unnecessary government and regulations; and

WHEREAS, it has been a long-standing tenet of the American people that government serves the people best when it governs least.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and endorses the efforts of the Taxpayers Survival Committee of Nebraska to amend the constitution to limit state spending.
2. That the Legislature commends the Taxpayers Survival Committee for their fortitude, foresight, and dedication in bringing this issue before the people of this state.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 341 in the Journal. No objections. So ordered.

AM2505
(Amendments to AM2374)

1. On page 4, in lines 10, 12, 13, 15, and 16, reinstate the stricken matter; in line 11 reinstate "January 1, 1981,"; strike the new matter in lines 17 through 26.

2. On page 5, strike lines 1 through 21; and in line 22 strike "(3)" and insert "(2)".

Mr. Eret asked unanimous consent to print the following amendment to LB 341 in the Journal. No objections. So ordered.

AM2545
(Amendments to the Vickers amendment, AM2345)

1. On page 4, strike lines 16 through 26.

2. On page 5, strike lines 1 through 20; and in line 21 strike "(3)" and insert "(2)".

Messrs. Hoagland, V. Johnson, Newell, and Pappas asked unanimous consent to print the following amendment to LB 744 in the Journal. No objections. So ordered.

AM2570

1. In the Newell amendment adopted March 8, 1984, on page 1, line 5, strike the first comma and insert "and" and strike ", or is conducting".

2. Insert the following new section:

"Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

3. In the E & R amendments adopted March 13, 1984, on page 1, line 7, after the semicolon insert "to provide for severability;".

4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Gary and Andrew Boldf, Holdrege;

Former Senator Willard Waldo, DeWitt; Mr. & Mrs. Steve Denny, Mr. & Mrs. Mark Samuels, Mr. & Mrs. Dean Barney, Mr. & Mrs. Randy Weigel, Mr. & Mrs. Dean Louis, and Dr. Jack Ashley; 41 seniors and teacher from Millard South High School; Rev. James Hoke & 6 members of their confirmation class from Madison; Kenneth Pletcher from Bellevue; 44 fourth and fifth grade students and teacher from Waterloo; and 14 fourth grade students and teacher from Emanuel Lutheran School, York.

ADJOURNMENT

At 4:40 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Thursday, March 22, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 22, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 22, 1984

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend C.J. Keenan, Pastor of The Blessed Sacrament Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Goll who was excused; and Messrs. Beutler, Chambers, Remmers, Mrs. Higgins, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Ninth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 21, 1984, at 4:40 p.m., were the following bills: 805, 1095, 1098, 249, 677, 466, 466A, 736, 758, 990, 990A, and 1039.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Rupp asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

AM2402
(Amendments to the Standing Committee amendments)
1. Strike section 5 and insert a new section

as follows:

“Sec. 5. The Water Management Board shall, in reviewing a project, direct the Game and Parks Commission to conduct a biological assessment to determine whether there are any endangered or threatened species in the project area or which may be adversely affected by the project. The commission shall report the results of such assessment to the board and if the results show that there are (1) endangered or threatened species in the project area or (2) species which may be adversely affected by the project, the board shall refer the project to the commission for consultation with the Department of Water Resources. Nothing in this section is intended to affect the procedural requirements of the Nebraska Nongame and Endangered Species Conservation Act.”.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 296, LR 297, and LR 299.

RESOLUTIONS

LEGISLATIVE RESOLUTION 301. Read. Considered.

LR 301 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 302. Read. Considered.

LR 302 was adopted with 26 ayes, 0 nays, and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 1127. E & R amendments, AM5394, found in the Journal on page 1697 for the Forty-Eighth Day were adopted.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM2259, found in the Journal on page 1733. No objections. So ordered.

Mr. V. Johnson offered the following amendment:
AM2581

1. Insert the following new sections:

“Sec. 2. That section 68-1020, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1020. Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and all individuals less than twenty-one years of age who are eligible under section 1905(a) of the Social Security Act, as amended.

Sec. 3. Section 2 of this act shall become operative on July 1, 1984.".

2. On page 3, line 1, strike "section" and insert "sections" and before the comma insert "and 68-1020"; and in line 2 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Beutler Chambers DeCamp Eret Haberman
Hannibal Harris Higgins Hoagland Johnson, V.
Kilgarin Labedz Landis Lundy Marsh
McDonald Morehead Newell Pappas Schmit
Scofield Sieck Vickers Wesely Withem

Voting in the negative, 21:

Abboud Barrett Beyer Carsten Clark
Fenger Goodrich Hefner Jacobson Johnson, L.
Johnson, R. Kahle Lamb Nichol Peterson, H.
Peterson, R. Pirsch Remmers Von Minden Wagner
Warner

Present and not voting, 1:

Chronister

Excused and not voting, 2:

Goll Rupp

The V. Johnson amendment was adopted with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 473, 692, 695, 744, 960, 960A, and 1076.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 473

The following changes, required to be reported for publication in the Journal, have been made:
ER0194
1. In the Standing Committee amendments, AM1628, on page 9, line 9, the underscored period has been struck.

Enrollment and Review Changes to LB 692

The following changes, required to be reported for publication in the Journal, have been made:
ER0199
1. In the Kilgarin amendment, AM2212, adopted March 9, 1984, on page 1, line 1, "and all amendments thereto" has been inserted after "14".
2. In lieu of the DeCamp amendment adopted March 9, 1984, found on page 1479 of the Journal, in the DeCamp amendment, AM2382, on page 3, line 7, "if the time to begin suit under the Political Subdivisions Tort Claims Act would otherwise expire before the end of such ninety-day period" has been inserted after "panel"; and on page 4, line 17, "if the time to begin suit under the State Tort Claims Act would otherwise expire before the end of such ninety-day period" has been inserted after

"panel".

3. In the DeCamp amendment, AM2382, adopted March 9, 1984:

a. On page 3, line 11, "20" has been struck and "21" inserted; and

b. On page 4, line 22, "and" has been inserted after the second semicolon; and the matter beginning with the semicolon in line 23 through the last quotation marks in line 24 has been struck.

4. The section added by the Hoagland amendment, AM2242, adopted March 9, 1984, has been renumbered as section 23.

5. In the E & R amendments, AM5332, adopted March 9, 1984, on page 3, line 7, "23-2416," has been inserted after the quotation marks; and in line 9 "and" has been struck and "and 81-8,227," has been inserted after the last comma.

6. In the DeCamp amendment, AM1892, adopted February 29, 1984, on page 5, line 11, "18" has been struck and "19" inserted.

7. On page 1, line 7, "and" has been struck and "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Changes to LB 1076

The following changes, required to be reported for publication in the Journal, have been made:

ER0200

1. In the Goodrich/Wesely amendment, AM2381, adopted March 9, 1984, on page 1, line 5, "that" has been inserted before "for".

2. In the DeCamp amendment, AM2312, adopted March 9, 1984:

a. On page 1, line 2, "Section 1." has been struck and "Sec. 2." inserted; in line 3 "as amended by section 2, Legislative Bill 1026, Eighty-eighth Legislature, Second Session, 1984," has been inserted after the second comma; in line 15 the second comma has been struck; and in line 19 the comma has been struck;

b. On page 3, line 8, "A bank holding company which acquires an institution or which forms a bank which acquires an institution under sections 8-1506 to 8-1510 shall not have such acquisition or formation count against the total deposits limitation or bank acquisition limitation imposed by this section, nor shall such acquisition or formation be limited, restricted, or disallowed by any other prohibition imposed by this section, except that any such acquisition which occurs under sections 8-1506 to 8-1510 after July 1, 1987, shall count against the total deposits limitation and the total bank acquisition limitation imposed by this section." has been inserted after the underscored period; and

c. Amendments 2 and 3 have been struck.

3. In the E & R amendments, AM5338, adopted March 9, 1984, amendment 3 has been struck.

4. In the DeCamp amendments, AM2198, adopted March 2, 1984:

a. On page 1, line 11; page 3, lines 4 and 21; and page 4, lines 6 and 15, "4" has been struck and "5" inserted;

b. Sections 2 to 4 have been renumbered as 3 to 5, respectively; and

c. Amendments 2 and 3 have been struck.

5. On page 1, the matter beginning with "section" in line 1 through line 4 has been struck and "sections 8-820, 8-905, and 8-906, Revised Statutes Supplement, 1983, and section 8-903, Revised Statutes Supplement, 1983, as amended by section 2, Legislative Bill 1026, Eighty-eighth Legislature, Second Session, 1984; to change provisions relating to fees for certain transaction cards; to change provisions relating to certain acquisitions; to define terms; and to repeal the original sections." has been inserted.

6. Original section 2 has been struck and the following new section inserted:

"Sec. 6. That original sections 8-820, 8-905, and 8-906, Revised Statutes Supplement, 1983, and section 8-903, Revised Statutes Supplement, 1983, as amended by section 2, Legislative Bill 1026, Eighty-eighth Legislature, Second Session, 1984, are repealed.".

(Signed) Mary Sommermeyer
E & R Attorney

Enrollment and Review

LEGISLATIVE BILL 830. Placed on Select File as amended.
E & R amendments to LB 830:
AM5400

1. In the Warner amendment adopted March 14, 1984, and found on page 1616 of the Journal, on page 1, line 9, after "1988" insert an underscored comma; and in line 12 after "1974" insert an underscored comma.

2. On page 1, line 1, strike "horse racing" and insert "horseracing", and after "amend" insert "section 2-128, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 4 after the semicolon insert "to harmonize provisions;", and strike "section" and insert "sections".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 764 in the Journal. No objections. So ordered.

AM2536

1. Insert the following new section:

"Sec. 2. The Board of Regents of the University of Nebraska shall establish an insurance program which provides coverage to student-athletes for personal injuries or accidental death while participating in University-organized play or practice in an intercollegiate athletic event. Such insurance program shall include, but not be limited to, the following coverages:

(1) All reasonable and necessary hospital, medical, and surgical services for a period of six years after the date of injury up to a maximum amount of one million dollars;

(2) For any total disability lasting longer than one year from the date of injury and which prevents further participation by the student in intercollegiate athletics, a minimum annuity of two thousand dollars per month to be paid to the disabled person beginning one year after the date of injury and continuing thereafter during the period of total disability, but not beyond six years from the date of injury;

(3) For any permanent and total disability, a minimum annuity of three thousand dollars per month to be paid to the disabled person beginning six years after the date of injury and continuing thereafter during the period of total disability;

(4) For any permanent partial disability when there is at least a seventy per cent loss of use of a limb and when the student is unable to further participate in intercollegiate athletics, the plan shall provide for payment of a lump-sum benefit in the minimum amount of ten thousand dollars one year after the date of injury; and

(5) For accidental death or dismemberment while participating in University-organized play or practice in an intercollegiate athletic event, the plan shall provide for payment of a lump-sum benefit in the minimum amount of one hundred thousand dollars.

Such insurance program may include self-insurance by the University of Nebraska of any risk or deductible amount specified by the Board of Regents, and, with respect to hospital, medical, and surgical services, may be coordinated with any other valid and collectable insurance coverage a student voluntarily obtains outside of the University's insurance program so that accident and health coverage is provided by the

University of Nebraska without duplication of the student's outside insurance coverage.".

ANNOUNCEMENT

The Chair announced today is Senator H. Peterson's birthday.

SELECT FILE

LEGISLATIVE BILL 1126. E & R amendments, AM5393, found in the Journal on page 1697 for the Forty-Eighth Day were adopted.

MR. KAHLE PRESIDING

Mrs. Morehead, Messrs. Remmers, and Lamb offered the following amendment:
On line 16 strike "Fifty" and insert "Sixty" and on line 18 strike "fifty" and insert "forty".

Mrs. Morehead requested a record vote on her amendment.

Voting in the affirmative, 15:

Carsten Chronister Eret Haberman Johnson, L.
Johnson, R. Kahle Lamb Morehead Pappas
Peterson, R. Remmers Scofield Sieck Von Minden

Voting in the negative, 23:

Abboud Barrett Beyer Clark Fenger
Goodrich Hannibal Harris Higgins Hoagland
Jacobson Kilgarin Labedz Landis Lundy
Marsh McDonald Newell Peterson, H. Pirsch
Vickers Warner Wesely

Present and not voting, 9:

Beutler Chambers DeCamp Hefner Johnson, V.
Nichol Schmit Wagner Withem

Excused and not voting, 2:

Goll Rupp

The Morehead-Remmers-Lamb amendment lost with 15 ayes, 23 nays, 9 present and not voting, and 2 excused and not voting.

Mr. R. Johnson offered the following amendment:
In line 12 and 13 on Page 2 strike "100,000" and insert "170,640".

Mr. R. Johnson moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. R. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Chambers Chronister Eret Haberman Harris
Hefner Higgins Jacobson Johnson, R. Kahle
Labedz Landis Lundy McDonald Newell
Nichol Pappas Peterson, H. Rupp Scofield
Sieck Vickers

Voting in the negative, 23:

Abboud Barrett Beutler Beyer Carsten
DeCamp Fenger Goodrich Hannibal Hoagland
Johnson, L. Johnson, V. Kilgarin Lamb Marsh
Morehead Peterson, R. Pirsch Remmers Schmit
Von Minden Wagner Warner

Present and not voting, 2:

Clark Withem

Absent and not voting, 1:

Wesely

Excused and not voting, 1:

Goll

The R. Johnson amendment lost with 22 ayes, 23 nays, 2 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Warner offered the following amendment:
(Amendments to AM2303)

On page 1, line 10, after "6." insert "(1)"; and after the first period in line 19 insert the following:

"(2) There is hereby appropriated (1) $25,000,000 from the General Fund for the period July 1, 1984, to June 30, 1985, and (2) $25,000,000 from the General Fund for the period July 1, 1985, to June 30, 1986, to the School Foundation and Equalization Fund, which fund is hereby appropriated to the State Department of Education for Program 143, to carry out the provisions of this section."

The Warner amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Vickers renewed his pending amendment, AM2562, found in the Journal on page 1732.

Mr. Vickers offered the following amendment to the Vickers pending amendment:
(Amendments to Vickers Amendments AM2562)

On page 1, in lines 6 and 15 after "Fund", insert "for the period July 1, 1984, to June 30, 1985"; in lines 7 and 16 after "Fund", insert ", which fund is hereby appropriated to the State Department of Education for Program 143".

On page 2, in line 2 after "Fund", insert "for the period July 1, 1984, to June 30, 1985"; in line 3 after "Fund", insert ", which fund is hereby appropriated to the State Department of Education for Program 143".

The Vickers amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Vickers requested a roll call vote on his pending amendment, as amended.

Voting in the affirmative, 23:

Chronister
Eret
Haberman
Hannibal
Harris
Hoagland
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Marsh
McDonald
Morehead
Newell
Pappas
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Wagner
Withem

Voting in the negative, 22:

Abboud
Barrett
Beyer
Carsten
Clark
Fenger
Goodrich
Hefner
Higgins
Jacobson
Johnson, L.
Labedz
Lamb
Landis
Lundy

Nichol Peterson, H. Peterson, R. Pirsch Von Minden
Warner Wesely

Present and not voting, 3:

Beutler Chambers DeCamp

Excused and not voting, 1:

Goll

The Vickers amendment, as amended, lost with 23 ayes, 22 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Messrs. Hefner, R. Johnson, and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Newell and DeCamp offered the following amendment:
1. Add the following new sections:
Sec. 7. There is hereby appropriated $14,000 from the General Fund for the fiscal year ending June 30, 1985, to the State Treasurer for Program 119.
Sec. 8. There is hereby appropriated $348,340 from the General Fund for the fiscal year ending June 30, 1985, to the State Treasurer for Program 120.
Sec. 9. There is hereby appropriated $340,000 from the General Fund for the fiscal year ending June 30, 1985, to the State Treasurer for Program 149.
Sec. 10. There is hereby appropriated $2,728,900 from the General Fund for the fiscal ending June 30, 1985, to the State Department of Education, for Program 149.
Sec. 11. There is hereby appropriated $431,810 from the General Fund for the fiscal year ending June 30, 1985, to Agency 83-Technical Community Colleges, for Program 051.
2. Renumber original sections accordingly.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Beyer DeCamp Eret Fenger Haberman

Hannibal Higgins Johnson, V. Kilgarin Labedz
Landis Lundy McDonald Newell Pappas
Pirsch Remmers Rupp Schmit Von Minden
Wesely Withem

Voting in the negative, 22:

Abboud Barrett Beutler Carsten Chambers
Chronister Clark Goodrich Harris Hoagland
Jacobson Johnson, L. Kahle Lamb Marsh
Morehead Nichol Peterson, H. Scofield Sieck
Wagner Warner

Present and not voting, 1:

Vickers

Excused and not voting, 4:

Goll Hefner Johnson, R. Peterson, R.

The Newell-DeCamp amendment lost with 22 ayes, 22 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Engrossment.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM2546
(Amendments to Standing Committee Amendments, AM2062)

1. On page 3, line 2, strike "which may include accreditation" and insert "approved by the boards. The boards may allow such program to be accredited"; and in lines 3 and 4 strike "as approved by the boards".

2. On page 4, line 13, strike "this" and after "section" insert "14 of this act".

3. On page 5, line 12, after "practitioner"

insert a comma and after "except" insert "that a certified nurse midwife shall not attend a"; and in line 18 after the period insert "Such rules and regulations may include, but are not limited to, reasonable requirements that the certified nurse midwife and all collaborating licensed practitioners maintain professional liability insurance with such coverages and limits as may be established by the licensed or certified health care facility.".

4. On page 6, line 15, strike "practitioner" and insert "midwifery".

5. On page 7, strike beginning with "Members" in line 25 through the period in line 26.

6. On page 8, strike beginning with "Council" in line 11 through the period in line 12.

7. On page 9, in line 24, strike "currently".

8. On page 10, line 14, strike "being issued a" and insert "a current".

9. On page 11, lines 5 and 12, before "nurse" insert "certified".

Messrs. Hannibal, Withem, and Mrs. Labedz asked unanimous consent to print the following amendment to LB 925 in the Journal. No objections. So ordered.

AM2532
(Amendments to Standing Committee amendments, AM1964)

1. On page 1, line 17, after "31-755" insert "unless provided in the agreement for contracted services".

2. On page 2, lines 4 and 17, after "31-755" insert "unless provided in the agreement for contracted services"; and in line 26 strike beginning with "line" through "the".

3. On page 3, strike beginning with "approval" in line 1 through "the" in line 4 and insert "strike the new matter in lines 4 through 14 and insert 'The' "; in line 5 strike "ten days before" and insert "five days after"; in line 6 after "the" insert "city or"; in line 15 strike "and" and insert "or"; strike beginning with "after" in line 15 through line 26 and insert "and strike beginning with 'Such' in line 7 through line 27 and insert new subsections as follows:

'(10) Any sanitary and improvement district may enter into an agreement with the county or municipality within whose zoning jurisdiction it lies which provides for the nature of improvement and the funding of the debt incurred to install and maintain such improvements.

(11) If any sanitary and improvement district files or maintains an action seeking to challenge or void a municipality's annexation of the sanitary and improvement district, such district shall, in addition to all other budgetary requirements, be required to include in its budget and tax levy an amount sufficient to pay any legal expenses of such action not previously budgeted and any anticipated legal expenses of such action for the ensuing fiscal year.' ”.

4. On page 4, strike lines 1 through 14.

5. Strike original amendments 12 and 13 and insert new amendments as follows:

“11. On page 19, lines 20 and 21, strike the new matter and reinstate the stricken matter.

12. Strike original sections 8 to 17.

13. On page 26, line 5, strike the last comma and insert ‘and’; and in line 6 strike ‘and 31-771,’.”.

6. On page 5, strike beginning with “and” in line 20 through “director” in line 21.

7. Renumber remaining amendments accordingly.

8. Strike the Withem amendment, AM 2486.

PROPOSED RULE CHANGE

Mr. DeCamp offered the following Rule Change:
AM2588

1. Amend Rule 5, section 6(g) as follows:

“(g) ~~The authorization bill shall first be considered and if it should be passed on Final Reading then the “A” bill shall be read and voted on for final passage~~ In each case when a bill is accompanied by an “A” bill, the “A” bill shall be read on final reading prior to the reading of the companion bill. If an “A” bill fails to pass on final reading the companion bill shall also be deemed to have failed and the companion bill shall not be separately read or voted on. If the “A” bill is passed on final reading the companion bill shall be separately read and voted on. A motion to reconsider an “A” bill shall also constitute a motion to reconsider the companion bill.”.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 765 in the Journal. No objections. So ordered.

AM2537

1. Strike the original sections and all amendments thereto and insert the following new section:

“Section 1. The Board of Regents of the University of Nebraska shall establish an insurance program which provides coverage to student-athletes for personal injuries or accidental death while participating in University-organized play or practice in an intercollegiate athletic event. Such insurance program shall include, but not be limited to, the following coverages:

(1) All reasonable and necessary hospital, medical, and surgical services for a period of six years after the date of injury up to a maximum amount of one million dollars;

(2) For any total disability lasting longer than one year from the date of injury and which prevents further participation by the student in intercollegiate athletics, a minimum annuity of two thousand dollars per month to be paid to the disabled person beginning one year after the date of injury and continuing thereafter during the period of total disability, but not beyond six years from the date of injury;

(3) For any permanent and total disability, a minimum annuity of three thousand dollars per month to be paid to the disabled person beginning six years after the date of injury and continuing thereafter during the period of total disability;

(4) For any permanent partial disability when there is at least a seventy per cent loss of use of a limb and when the student is unable to further participate in intercollegiate athletics, the plan shall provide for payment of a lump-sum benefit in the minimum amount of ten thousand dollars one year after the date of injury; and

(5) For accidental death or dismemberment while participating in University-organized play or practice in an intercollegiate athletic event, the plan shall provide for payment of a lump-sum benefit in the minimum amount of one hundred thousand dollars.

Such insurance program may include

self-insurance by the University of Nebraska of any risk or deductible amount specified by the Board of Regents, and, with respect to hospital, medical, and surgical services, may be coordinated with any other valid and collectable insurance coverage a student voluntarily obtains outside of the University's insurance program so that accident and health coverage is provided by the University of Nebraska without duplication of the student's outside insurance coverage.".

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 212. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1034. E & R amendment, AM5396, found in the Journal on page 1701 for the Forty-Eighth Day was adopted.

Mr. Pappas offered the following amendment:

On page 2, strike section 1 and insert the following section 1.

Section 1. (1) There is hereby appropriated an additional $396,000 and $44,000 from the General Fund for the period July 1, 1984 to June 30, 1985, to the University of Nebraska for Program 715.

(2) It is the intent of the Legislature that the sum of $396,000 be used for new faculty positions in the department and research support, the sum of $44,000 shall be used for the funding of several new diagnostic tests needed to bring out the diagnostic center up to a full service laboratory.

(3) It is the intent of the Legislature to appropriate an additional sum for fiscal years 1985-86 and 1986-87 equal to the sum appropriated in subsection (1) of this section increased by five percent per year.

The Pappas amendment lost with 13 ayes, 20 nays, 11 present and not voting, and 5 excused and not voting.

Messrs. Warner and V. Johnson offered the following amendment:
PURPOSE: To provide for impeachment trial expenses.
AMENDMENT:

Insert the following section:

"There is hereby appropriated $40,000 General Funds to Agency 05, Supreme Court, to Program 660 - Special Trial Expenses for FY 1983-84. It is the intent of the Legislature that the agency shall certify to the Department of Administrative Services all expenses incurred due to impeachment trial activities."

Mr. Vickers requested a ruling of the Chair on whether the Warner-V. Johnson amendment is germane to the bill.

The Chair ruled the amendment not germane.

Mr. Warner moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the Warner-V. Johnson amendment to LB 1034.

The Warner motion prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The Warner-V. Johnson pending amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Vickers offered the following amendment:
AM2527
(Amendments to Standing Committee amendments)

1. On page 1, strike beginning with "line" in line 1 through line 5 and insert "line 8, after 'Program' insert 'and funding for diagnostic tests not currently conducted';".

Mr. Vickers requested a record vote on his amendment.

Voting in the affirmative, 13:

Beyer	Clark	Eret	Goodrich	Haberman
Hoagland	Jacobson	Landis	Lundy	McDonald
Nichol	Pappas	Vickers		

Voting in the negative, 17:

Barrett	Beutler	Carsten	Chronister	Fenger
Hannibal	Johnson, L.	Johnson, V.	Kahle	Kilgarin
Lamb	Marsh	Newell	Peterson, H.	Remmers
Von Minden	Warner			

Present and not voting, 13:

Abboud	Chambers	DeCamp	Harris	Labedz
Pirsch	Rupp	Schmit	Scofield	Sieck
Wagner	Wesely	Withem		

Excused and not voting, 6:

Goll Hefner Higgins Johnson, R. Morehead
Peterson, R.

The Vickers amendment lost with 13 ayes, 17 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 852 in the Journal. No objections. So ordered.

AM2523

1. Strike the original sections and all amendments thereto and insert new sections as follows:

"Section 1. That section 31-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-201. Owners of land within the zoning jurisdiction of a municipality may drain ~~the same~~ such land in the general course of natural drainage by constructing an open ditch or tile drain, discharging the water therefrom into any natural watercourse or into any natural depression or draw, whereby such water may be carried into some natural watercourse; and when such drain or ditch is wholly on the owner's land, he or she shall not be liable in damages therefor to any person or corporation.

Sec. 2. (1) An owner of land not within the zoning jurisdiction of a municipality may drain such land in the general course of natural drainage by constructing an open ditch or tile drain, discharging the water therefrom into any natural watercourse or into any natural depression or draw, whereby such water may be carried into some natural watercourse. Such owner shall be liable to any lower landowner or operator who owns or operates the lower land when construction of the ditch or drain is completed if such landowner or operator sustains substantial damage proximately caused by such construction and discharge.

(2) Not less than thirty days or more than forty-five days prior to commencement of any construction authorized in this section, the landowner

shall give public notice of such construction in one or more newspapers of general circulation in each county located within one mile of the construction site.

(3) Any landowner commencing construction authorized by this section without first complying with the requirements of subsection (2) of this section shall be guilty of a Class IV misdemeanor.

Sec. 3. That original section 31-201, Reissue Revised Statutes of Nebraska, 1943, is repealed.”.

Mr. Barrett asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

AM2564
(Amendments to AM2475)

1. On page 1, line 7, after “controlling” insert “uranium”; and in lines 11 and 19 after “of” insert “uranium”.

2. On page 2, lines 1 and 4, after “for” and after “or” insert “uranium”; and in line 14 after “other” insert “uranium”.

GENERAL FILE

LEGISLATIVE RESOLUTION 244CA. Considered.

Mr. Warner renewed his pending motion to indefinitely postpone found in the Journal on page 1709.

Speaker Nichol moved the previous question. The question is, “Shall the debate now close?”

Mr. Schmit moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 27 ayes, 0 nays, and 22 not voting.

The Warner motion to indefinitely postpone lost with 21 ayes, 23 nays, 3 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 304.

Introduced by Warner, 25th District; L. Johnson, 15th District; Kahle, 37th District; Kilgarin, 7th District; Marsh, 29th District; Morehead, 30th District; H. Peterson, 35th District; Wagner, 41st District.

PURPOSE: The purpose of this resolution is to study the need for a state-operated residential facility for the chronically mentally ill. The study shall include, but not be limited to, the following:

(1) The benefits which the creation of a residential facility for the chronically mentally ill individuals and their families;

(2) The impact residential housing for the chronically mentally ill has on cost-effective humane mental health care across the country;

(3) The impact residential housing for the chronically mentally ill will have on the community mental health programs of the region or regions in which such housing is placed;

(4) The cost of funding and maintaining a state-operated residential facility for the chronically mentally ill; and

(5) Any other issues the committee deems necessary to carry out the purpose of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Performance Review and Audit Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Performance Review and Audit Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 45 fourth graders, sponsors, and teachers from Millard; two groups and teachers from St. Pius X-St. Leo, Omaha; 6 eighth graders and teacher from Newport Grade School, Newport; and Senator Harris' wife-Mary Sue, daughter-Buff, and son-Ben.

RECESS

At 12:07 p.m., on a motion by Mrs. Pirsch, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. Goll who was excused; and Messrs. Abboud, Beutler, Haberman, Hannibal, R. Johnson, V. Johnson, McDonald, R. Peterson, Remmers, Schmit, Von Minden, Mesdames Higgins, Marsh, Ms. Scofield, and Miss Kilgarin who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 801, 981, and 981A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 801

The following changes, required to be reported for publication in the Journal, have been made:
ER0207
1. On page 1, line 7, the period has been struck.
2. In the Standing Committee amendments, AM1874:
a. On page 8, line 24, "shall solicit" has been struck and "solicits" inserted; and
b. On page 24, line 21, "this act" has been struck and "the Insurance Producers Licensing Act" inserted.

Enrollment and Review Changes to LB 981

The following changes, required to be reported for publication in the Journal, have been made:
ER0196
1. In the Newell amendment, AM2467, adopted March 15, 1984:
a. Sections 16 to 18 have been renumbered as sections 18 to 20, respectively;
b. On page 3, line 11, the second "the" has been struck and an underscored comma has been inserted after "section"; and
c. On page 4, line 25, an underscored comma has been inserted after "campus".
2. In the Vickers amendment, AM2443, adopted March 15, 1984:
a. On page 2, line 20, "State" has been struck and shown as stricken; and
b. On page 3, line 21, "and 10" has been struck and ", 10, and 20" has been inserted.

3. In the E & R amendments, AM5343, adopted March 15, 1984:

a. Amendment 2 has been struck; and

b. On page 1, line 8, "lines 2, 3, and" has been struck and "line" has been inserted.

4. In the Standing Committee amendments, AM1925, adopted March 2, 1984, the remainder of amendment 1 has been struck.

5. On page 1, line 3, "and" has been struck, and "85-917, and 85-974," has been inserted after the second comma; in line 4 "a" has been struck; in line 5 "term" has been struck and "terms" inserted; in line 10 "to provide voting restrictions and requirements; to change provisions relating to role and mission statements; to provide for a system of review; to require a study of tuition levels;" has been inserted after the first semicolon; and in line 12 "; and to declare an emergency" has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 1125. Title read. Considered.

Standing Committee amendments, AM2407, found in the Journal on page 1561 for the Forty-Fifth Day were adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mr. V. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. KAHLE PRESIDING

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Advanced to E & R for Review with 27 ayes, 9 nays, 10 present and not voting, and 3 excused and not voting.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 1125A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORT

Rules

The Rules Committee met on Monday, March 12, 1984, and amended and then acted favorably on the following proposed rule change:

V. Johnson rule change to Rule 3, Section 10, found on page 1164 of the Journal, February 28, 1984:

> Conduct During Committee Hearing. (a) No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the Committee conducts an Executive Session within the hearing room assigned to that Committee for such purpose, unless the Committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.
>
> (b) Persons are encouraged to present and distribute written statements at committee hearings. They are also encouraged not to then read the statement in its entirety to the Committee.

The Rules Committee met on Monday, March 12, 1984, and amended then acted favorably on the following proposed rule change:

Fenger rule change to Rule 3, Section 6, found on page 584 of the Journal, January 25, 1984:

> Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. When standing committees meet, it shall be at ~~2:00~~ 1:30 p.m. on weekdays, unless otherwise approved by the Legislature.

(Signed) Peter Hoagland, Chairperson

SELECT FILE

LEGISLATIVE BILL 994. E & R amendments, AM5331, found in the Journal on page 1355 for the Fortieth Day were adopted.

Mr. Lamb renewed his pending amendment found in the Journal on page 1397.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 6 nays, and 30 not voting.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?"

Mr. Lamb moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud
Barrett
Beyer
Carsten
Chambers
Chronister
Clark
DeCamp
Fenger
Hannibal
Hefner
Jacobson
Johnson, L.
Johnson, V.
Kahle
Lamb
Lundy
Morehead
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Von Minden
Warner

Voting in the negative, 20:

Eret
Goodrich
Haberman
Harris
Hoagland
Johnson, R.
Kilgarin
Labedz
Landis
Marsh
McDonald
Newell
Pappas
Rupp
Schmit
Scofield
Vickers
Wagner
Wesely
Withem

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Goll
Higgins
Sieck

The Lamb amendment was adopted with 25 ayes, 20 nays, 1 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the Call raised.

STANDING COMMITTEE REPORT
Public Health and Welfare

The Committee on Public Health and Welfare desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Edward J. Kucirek - Manufactured Housing Advisory Board
James C. Hille - Manufactured Housing Advisory Board
Robert L. Eddy - Manufactured Housing Advisory Board

James E. Kamas - Nebraska Commission for Hearing Impaired
Berton Leavitt - Nebraska Commission for Hearing Impaired
Marie L. Williams - Nebraska Commission for Hearing Impaired
Ralph L. Geisler - Nebraska Commission for Hearing Impaired

Dr. Judy Butler - Rural Health Manpower Commission
Dr. L.C. Potts - Rural Health Manpower Commission
Marita Fickes - Rural Health Manpower Commission
Bill Mathews - Rural Health Manpower Commission

Voting aye: Senators Barrett, McDonald, Rupp, and Fenger. Absent and not voting: Senators Wesely, Withem, and R. Peterson.

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Ms. Scofield asked unanimous consent to have her name added as co-introducer to LB 1125. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1127A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1127, Eighty-eighth Legislature, Second Session, 1984.

SPEAKERS' ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 303 was referred to the Reference Committee.

SELECT FILE

LEGISLATIVE BILL 994. Mr. Haberman renewed his pending amendment, AM2128, found in the Journal on page 1398.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Haberman amendment lost with 5 ayes, 17 nays, 23 present and not voting, and 4 excused and not voting.

Mr. Vickers asked unanimous consent to withdraw his pending amendments, AM2338, AM2399, AM2400, AM2347, AM2349, AM2350, and AM2344 found in the Journal on pages 1520, 1521, and 1522, and AM2539 found in the Journal on page 1758. No objections. So ordered.

Mr. Vickers offered the following amendment:

1. In the Standing Committee Amendments:

a. On page 13, line 13, after the comma insert "after July 1, 1985,"; and in line 18 after "standard" insert ", which shall include vocational education courses,";

b. On page 15, line 2, strike "semester"; and in line 14 strike "semester" and strike "mean" and insert "be defined by appropriate rules and regulations of the State Board of Education but shall not be less than";

c. On page 16, line 18, after "establish" insert "or designate";

d. On page 17, line 22, strike "October" and insert "December";

e. On page 19, line 1, after "section" insert ", if applicable";

f. On page 22, line 1, strike "July 31, 1984" and insert "July 1, 1985"; and strike beginning with "the" in line 7 through "act" in line 8 and insert "July 1, 1985";

g. On page 23, strike beginning with "Any" in line 16 through "(9)" in line 26;

h. Strike section 14 and all amendments thereto;

k. On page 39, line 21, strike "15" and insert "14"; and

l. On page 40, line 21, strike "79-1340,".

2. Strike the Haberman amendment adopted March 1, 1984, found on page 1245 of the Journal.

4. Renumber the remaining sections accordingly.

The Vickers amendment was adopted with 29 ayes, 0 nays, 17 present

and not voting, and 3 excused and not voting.

Mr. Vickers renewed his pending amendment, AM2541, found in the Journal on page 1760.

PRESIDENT MCGINLEY PRESIDING

The Vickers amendment was adopted with 30 ayes, 3 nays, 13 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 962 in the Journal. No objections. So ordered.

AM2553

1. On page 60, line 9, after "payments" insert "as defined in subsection (4) of this section"; and strike beginning with "whose" in line 11 through "Code" in line 13 and show the old matter as stricken.

2. On page 61, strike beginning with "Wages" in line 20 through line 27 and insert "Wages and other payments subject to withholding shall mean payments that are subject to withholding under the Internal Revenue Code of 1954, as amended, and are (a) payments made by employers to employees, except such payments subject to 26 U.S.C. section 3405 or 3406, or (b) payments of gambling winnings.".

3. On page 62, strike lines 1 through 12.

Mrs. Higgins asked unanimous consent to print the following amendment to LB 915 in the Journal. No objections. So ordered.

1. Add a new Sec. 2 as follows:

Any person, firm or corporation who (a) receives money from a client, (b) transports or forwards the money to a licensed race track, and (c) places the money into the race track's parimutual pool in a manner directed by the client, on the effective date of this act may continue such service at their present locations only until December 31, 1984.

2. Add the emergency clause.
3. Renumber sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 682, 880, 880A, 1034, 1126, 1127, 1128, and 1129.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 682

The following changes, required to be reported for publication in the Journal, have been made:
ER0197
1. In the E & R amendments, on page 1, line 8, "strike" has been struck and "after" inserted, and "and" has been struck; and in line 9 a comma has been inserted both before and after "recording".

Enrollment and Review Changes to LB 1034

The following changes, required to be reported for publication in the Journal, have been made:
ER0211
1. In the Warner amendment adopted March 22, 1984, on page 1, line 2, "Sec. 2." has been inserted after the quotation marks; and in line 3 a comma has been inserted after "Expenses".
2. On page 1, line 1, "relating to appropriations;" has been inserted after "ACT"; and in line 2 "to appropriate funds to the Supreme Court for Program 660;" has been inserted after the semicolon.
3. The remaining section has been renumbered accordingly.

Enrollment and Review Change to LB 1126

The following changes, required to be reported for publication in the Journal, have been made:
ER0210
1. In the Warner amendment adopted March 22, 1984, on page 1, line 3, "(1)" had been struck and "(a)" inserted; and in line 4 "(2)" has been struck and "(b)" inserted.

Enrollment and Review Change to LB 1127

The following changes, required to be reported for publication in the Journal, have been made:
ER0209
1. In the V. Johnson amendment, AM2581, adopted March 22, 1984, on page 1, line 12, "Section 2" has been struck and "Sections 2 and 5" inserted; in line 13 "The remaining sections shall become operative on

their effective date.

Sec. 5. That original section 68-1020, Reissue Revised Statutes of Nebraska, 1943, is repealed."; has been inserted after "1984."; and the matter beginning with "On" in line 14 through "3." in line 17 has been struck.

2. On page 1, line 1, "section" has been struck and "sections" inserted; in line 2 "and 68-1020," has been inserted after "68-1005"; and in line 5 "and medical assistance; to provide an operative date" has been inserted after "disabled", and "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 1128

The following changes, required to be reported for publication in the Journal, have been made:
ER0206

1. On page 2, line 6, "and" has been struck; and in line 7 ", and Laws 1983, LB 632A" has been inserted after "LB 585A".
2. In the Warner amendment, AM2490, adopted March 21, 1984, on page 3, line 24, "Laws 1983," has been inserted after "and".

(Signed) Mary Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 994. Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM2540, found in the Journal on page 1759. No objections. So ordered.

Mr. Vickers offered the following amendment:
(Amendments to Standing Committee amendments)

1. On page 18, line 2, after the period insert "The certification levels prescribed in this subsection shall be applicable only to teachers earning their first Nebraska teaching certificate after the effective date of this act.
3. On page 20, line 20, strike "and" and insert "or".
4. On page 21, strike beginning with "Before" in line 11 through the period in line 18.
5. On page 26, line 12, after "Nebraska" insert "and who does not hold a current out- of- state certificate to teach or administer"; and in line 16 after "comparable" insert "equivalent".

The Vickers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Messrs. DeCamp and H. Peterson asked unanimous consent to withdraw their pending amendments, AM2426, AM2456, AM2457, and AM2458, found in the Journal on pages 1596, 1599, and 1600. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to withdraw his pending amendment, AM2277, found in the Journal on page 1576. No objections. So ordered.

Mr. Eret renewed his pending amendment, AM2420, found in the Journal on page 1603.

The Eret amendment lost with 8 ayes, 17 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Eret asked unanimous consent to withdraw his pending amendment, AM2421, found in the Journal on page 1603. No objections. So ordered.

Mr. Eret offered the following amendment:
(Amendments to Standing Committee amendments)
1. On page 13, line 17, after "a" insert "recommended"; and in line 18 strike "standard".
2. On page 15, line 5, strike "State Board of Education" and insert "governing body of the school district"; in line 6 after "statewide insert "core curriculum and".
3. Page 13 line 17 strike "shall" and insert "may"

Mr. Rupp asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Eret moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Eret requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Abboud Eret Haberman Hefner Kahle
McDonald Wesely

Voting in the negative, 32:

Barrett Beutler Beyer Carsten Chambers

Chronister DeCamp Hannibal Harris Hoagland
Jacobson Johnson, L. Johnson, R. Johnson, V. Kilgarin
Lamb Landis Lundy Marsh Morehead
Newell Pappas Peterson, H. Peterson, R. Pirsch
Remmers Schmit Scofield Vickers Wagner
Warner Withem

Present and not voting, 6:

Clark Fenger Goodrich Nichol Sieck
Von Minden

Excused and not voting, 4:

Goll Higgins Labedz Rupp

The Eret amendment lost with 7 ayes, 32 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Eret renewed his pending amendment, AM2422, found in the Journal on page 1603.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Eret amendment lost with 11 ayes, 18 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Eret asked unanimous consent to withdraw his pending amendment, AM2423, found in the Journal on page 1604. No objections. So ordered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM2483, found in the Journal on page 1631. No objections. So ordered.

Mr. L. Johnson renewed his pending amendment, AM2444, found in the Journal on page 1652.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

The L. Johnson amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Mr. Hefner asked unanimous consent to withdraw his pending amendments, AM2534 and AM2535, found in the Journal on pages 1727 and 1728. No objections. So ordered.

Messrs. Beutler, Wesely, Warner, and Mrs. Marsh offered the following amendment:
AM2454
(Amendments to Standing Committee Amendments, AM2088)

1. On page 15, line 3, after "graduation" insert ", except that each high school student attending a school within a Class IV school district shall complete a minimum of two hundred twenty high school semester credit hours".

The Beutler-Wesely-Warner-Marsh amendment lost with 8 ayes, 19 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Hoagland offered the following amendment:
(Amendments to Standing Committee amendments)

1. Insert a new section as follows:
"Sec. 23. That section 77-3430, Reissue Revised Statues of Nebraska, 1943, be amended to read as follows:
77-3430. Sections 77-3412 to 77-3431 shall terminate on ~~December 31~~ August 1, 1984, unless reenacted or reestablished by the Legislature.".
2. On page 40, line 19, after "sections" insert "77-3430,".
3. Renumber remaining sections accordingly.

Mr. Lundy requested a ruling of the Chair on whether the Hoagland amendment is germane to the bill.

The Chair ruled the Hoagland amendment is germane to the bill.

The Hoagland amendment lost with 12 ayes, 17 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler offered the following amendment:
On page 1, line 5 after "courses," insert:
"but such vocational courses at no time shall comprise more than 30 credit hours of the core curriculum"

The Beutler amendment lost with 8 ayes, 17 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1027 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2590.)

Mr. Schmit asked unanimous consent to print the following amendment to LB 983 in the Journal. No objections. So ordered.

AM2393

1. Strike the Schmit amendment on page 1294 of the Journal.

2. On page 2, strike beginning with "on" in line 4 through "retailer" in line 7 and insert "only on the National System of Interstate and Defense Highways and only if such vehicles are empty and are being delivered for the manufacturer or retailer, except that a highway located not more than six miles from the National System of Interstate and Defense Highways may also be designated in such permits if it is determined by the Director- State Engineer that such designation is necessary for the permit holder to have access to the National System of Interstate and Defense Highways"; in line 10 strike "vehicle" and insert "truck- tractor" and after "as" insert "a part of".

3. On page 3, line 11, after the comma insert "weather conditions, road conditions,"; and in lines 20 and 25 strike "forty foot", show as stricken, and insert "forty- foot".

4. On page 4, lines 1 and 5, strike "forty", show as stricken, and insert "forty- foot"; and in lines 2 and 6 strike "foot" and show as stricken.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 941A. By Kahle, 37th District; Pirsch, 10th

District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 941, Eighty-eighth Legislature, Second Session, 1984.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 762 in the Journal. No objections. So ordered.

AM2573
(Amendments to AM1972)

1. Strike section 6 and insert the following new section:

"Sec. 6. If the agency has issued its regulatory analysis of a proposed rule in response to a request made pursuant to section 3 of this act, the adopted rule may not be invalidated on the grounds that the contents of the regulatory analysis are insufficient or inaccurate.".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 762 in the Journal. No objections. So ordered.

AM2574
(Amendments to AM1972)

1. On page 8, after line 26, insert:

"The agency determination that the adopted rule is not substantially different from the published proposed rule shall be conclusive and shall not be reviewable.".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 762 in the Journal. No objections. So ordered.

AM2567
(Amendments to the Standing Committee amendments)

1. On page 1, line 7, strike "3 to 15" and insert "6 to 18".

2. On page 2, line 7, after the semicolon insert "and"; in line 12 after "hearing" insert an underscored period; and strike beginning with the semicolon in line 12 through line 15 and show as stricken.

3. On page 4, strike beginning with the first

"the" in line 8 through the comma in line 9; and in line 18 strike "3" and insert "6".

4. On page 5, line 17, strike "3" and insert "6".

5. On page 6, line 21, strike "3 and 4" and insert "6 and 7".

6. On page 9, lines 2, 12, and 20, strike "3 to 9" and insert "6 to 12"; and strike beginning with "chairperson" in line 17 through the first "the" in line 18.

7. On page 10, line 2, strike "3 to 9" and insert "6 to 12"; in line 16 strike "11" and insert "14"; and in line 26 strike "5" and insert "8".

8. On page 12, line 8, strike "10" and insert "13"; in line 10 strike "13" and insert "16"; in line 14 strike "12" and insert "15"; in lines 18 and 21 strike "3 to 14" and insert "6 to 17"; in line 23, strike "and" and insert ", 84-902, 84-904, 84-907, and 84-908,"; and in line 24 strike "84-907," and after "1943," insert "and also sections 84-901.01, 84-901.02, and 84-908.01 to 84-908.05, Reissue Revised Statutes of Nebraska, 1943,".

9. Insert new sections as follows:

"Sec. 2. That section 84-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-902. (1) Each ~~agency shall file with the Revisor of Regulations, no sooner than June 30, 1975, nor later than August 31, 1975, two certified copies of the rules in force and effect for such agency on that date. Thereafter, each~~ agency shall file annually with the Revisor of Regulations two certified copies of any amendments or modifications to the rules in force and effect for such agency no later than June 30 of each year. The Revisor of Regulations shall place and keep one of the certified copies in a permanent file and shall file the remaining certified copy as a library copy to be used by the Legislature.

(2) Each agency shall file forthwith in the office of the Secretary of State a certified copy of the rules in force and effect in such agency on August 10, 1945. A certified copy of any rule adopted after August 10, 1945, shall likewise be so filed. The Secretary of State shall keep a permanent file of all such rules, which shall be open to public inspection during regular

business hours of his or her office. The Secretary of State, in order to maintain and keep such files current, shall be empowered to require new and amended rules to be filed as complete file pages and to remove all superseded pages to a separate file. ~~Each agency shall file with the Secretary of State, no sooner than June 30, 1975, nor later than August 31, 1975, a certified copy of the rules in force and effect for such agency on that date.~~ Each agency shall annually file with the Secretary of State a certified copy of any amendments or modifications to rules in force and effect for such agency no later than June 30 of each year.

(3) Rules filed with the Revisor of Regulations and the Secretary of State pursuant to this section shall be filed in the manner and form prescribed by the Revisor of Regulations. The Revisor of Regulations shall, no later than January 1, 1975, issue instructions to all state agencies setting forth the format to be followed by all agencies in submitting regulations to the Revisor of Regulations and the Secretary of State. Such instructions shall provide for a uniform page size, a generally uniform and clear indexing system, and annotations including designation of enabling legislation and court or agency decisions interpreting the particular rule or regulation. For good cause shown, the Revisor of Regulations~~, with the consent of the chairman of the Administrative Rules and Regulations Review Committee,~~ may grant exceptions to the uniform page size requirement and the general indexing instructions for any agency.

(4) Prior to June 30, 1975, each agency shall undertake a complete and thorough review of rules in force and effect for such agency. Regulations that are outdated, inadequate, and repetitious shall be deleted or modified and all of the rules shall be recodified in conformity with instructions issued by the Revisor of Regulations. All modifications to agency rules shall be made in conformity with section 84-907 far enough in advance of the filing deadline to insure that a final revised copy of the agency rules may be certified and filed with both the Revisor of Regulations and the Secretary of State by the filing deadline.

(5) The Clerk of the Legislature shall deliver to the Revisor of Regulations all records and materials pertaining to administrative rules and regulations on

file in the clerk's office.

Sec. 3. That section 84-904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-904. ~~(1) The Revisor of Regulations shall file with the Administrative Rules and Regulations Review Committee, no sooner than June 30, 1975, nor later than August 31, 1975, and thereafter annually no later than January 1 a certified copy of the rules in force and effect for each agency on that date.~~

~~(2) The Administrative Rules and Regulations Review Committee shall review such agency rules and regulations and shall have the power to exercise its authority and procedures pursuant to sections 84- 901.02 and 84- 908.02 to 84- 908.05 and may recommend to the Legislature that the original enabling legislation serving as authority for promulgation of such rules be repealed, changed, altered, amended, or modified in such manner as it deems advisable.~~ Any agency rule or regulation promulgated under a statutory grant of authority shall become null and void upon the effective date of any statute which repeals, changes, alters, amends, or modifies such statutory grant of authority.

Sec. 5. That section 84-908, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-908. ~~Except as otherwise provided in sections 84- 901.02 and 84- 908.02 to 84- 908.05, no~~ No adoption, amendment, or repeal of any rule shall become effective until the same shall have been approved by the Governor and filed with the Revisor of Regulations after a hearing has been set on such rule pursuant to section 84-907. Any rule properly adopted by any agency shall be filed with the Revisor of Regulations. ~~and by that office referred to the Administrative Rules and Regulations Review Committee.~~".

10. Strike the first adopted Beutler amendment on page 1699 of the Journal and the second adopted Beutler amendment on page 1700 of the Journal.

11. Renumber remaining sections accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 762 in the Journal. No objections. So ordered.

AM2572
(Amendments to AM1972)

1. On page 4, line 17, strike "(1)"; in line 21 strike "(a)" and insert "(1)"; and in line 25 strike "(b)" and insert "(2)".

2. On page 5, line 1, after the semicolon insert "and"; in line 2 strike "(c)" and insert "(3)"; and strike beginning with the semicolon in line 5 through "rule" in line 11.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 762 in the Journal. No objections. So ordered.

AM2575
(Amendments to AM1972)

1. Strike section 12.

2. On page 1, line 7, strike "15" and insert "14".

3. On page 12, line 10, strike "13" and insert "12"; strike beginning with "except" in line 14 through "review" in line 15; and in lines 18 and 21 strike "14" and insert "13".

4. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 994. Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 1245. No objections. So ordered.

Mr. Von Minden asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland offered the following amendment:

1. Insert a new section as follows:

"Sec. It is the intent of the Legislature to provide financial incentives to local school districts to attract and retain highly qualified professional and certificated staff in order to foster and improve student learning. In order to accomplish such purpose the Legislature hereby declares that for purposes of subdivision (2) of section 77-3424 and subdivision (2) of section 77-3425 new program shall include any additional amount a school district expends in order to increase the compensation of professional and certificated personnel.".

2. Renumber remaining sections accordingly.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Hoagland requested a record vote on his amendment.

Voting in the affirmative, 13:

Harris Hoagland Johnson, R. Kilgarin McDonald
Morehead Pappas Pirsch Remmers Scofield
Vickers Wesely Withem

Voting in the negative, 25:

Abboud Barrett Beutler Beyer Carsten
Chronister DeCamp Eret Fenger Goodrich
Haberman Hannibal Jacobson Johnson, L. Johnson, V.
Kahle Landis Lundy Marsh Newell
Nichol Peterson, H. Peterson, R. Sieck Warner

Present and not voting, 1:

Lamb

Excused and not voting, 10:

Chambers Clark Goll Hefner Higgins
Labedz Rupp Schmit Von Minden Wagner

The Hoagland amendment lost with 13 ayes, 25 nays, 1 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

LEGISLATIVE BILL 994A. E & R amendment, AM5397, found in the Journal on page 1740 for the Forty-Ninth Day was adopted.

Mr. Vickers offered the following amendment:

1. In the Vickers amendment on page 1545 of the Journal, in line 1, strike "400,000" and insert "500,000"; in line 4, strike "11,049,500" and insert "349,500", and strike "In"; and strike lines 5 and 6;
2. On page 3, line 9, strike "25,105,450" and insert "5,046,500"; and

strike lines 26 and 27;
3. On page 4, strike line 1;
4. Strike Section 2 and renumber the remaining sections.

Mr. Remmers asked unanimous consent to be excused. No objections. So ordered.

The Vickers amendment was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Mr. Vickers offered the following amendment:

In the Vicker's amendment, printed on page 1545 of the Legislative Journal, adopted on General File on March 12, 1984, strike the third sentence on lines 2 and 3.

Purpose: To reinstate the $1,025,000 funding for the staff development and in-service.

The Vickers amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 341. E & R amendments, AM5388, found in the Journal on page 1675 for the Forty-Eighth Day were adopted.

Mr. Newell reoffered his amendment, AM2139, found in the Journal on page 1217.

Messrs. Barrett and R. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell asked unanimous consent to withdraw his pending amendment, AM2139, found in the Journal on page 1217. No objections. So ordered.

Messrs. Lamb and Hoagland asked unanimous consent to withdraw their pending amendment found in the Journal on page 1507. No objections. So ordered.

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers renewed his pending amendment, AM2480, found in the

Journal on page 1622.

The Vickers amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Pappas renewed his pending amendment, AM2493, found in the Journal on page 1688.

The Pappas amendment lost with 6 ayes, 13 nays, 16 present and not voting, and 14 excused and not voting.

Mr. Vickers renewed his pending amendment, AM2502, found in the Journal on page 1716.

The Vickers amendment was adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Mr. Lamb renewed his pending amendment, AM2505, found in the Journal on page 1769.

Messrs. Chronister, Haberman, Sieck, and Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb asked unanimous consent to withdraw his pending amendment, AM2505, found in the Journal on page 1769. No objections. So ordered.

Mr. Eret asked unanimous consent to withdraw his pending amendment, AM2545, found in the Journal on page 1769. No objections. So ordered.

Mr. Vickers offered the following amendment:
AM2501

1. Insert a new section as follows:

"Sec. 8. It is the intent of the Legislature to provide financial incentives to local school districts to attract and retain highly qualified professional and certificated staff in order to foster and improve student learning. In order to accomplish such purpose the Legislature hereby declares that for purposes of subdivision (2) of section 77-3424 and subdivision (2) of section 77-3425 new program shall include any additional amount a school district expends in order to increase the compensation of professional and certificated personnel.".

2. Renumber remaining sections accordingly.

Mr. Vickers moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Eret
Goodrich
Harris
Hoagland
Johnson, R.
Kilgarin
Marsh
McDonald
Morehead
Pappas
Pirsch
Scofield
Vickers
Withem

Voting in the negative, 15:

Abboud
Beyer
Carsten
Fenger
Hannibal
Johnson, L.
Johnson, V.
Kahle
Lamb
Landis
Lundy
Newell
Nichol
Peterson, H.
Warner

Present and not voting, 1:

Beutler

Absent and not voting, 2:

DeCamp
Jacobson

Excused and not voting, 17:

Barrett
Chambers
Chronister
Clark
Goll
Haberman
Hefner
Higgins
Labedz
Peterson, R.
Remmers
Rupp
Schmit
Sieck
Von Minden
Wagner
Wesely

The Vickers amendment lost with 14 ayes, 15 nays, 1 present and not voting, 2 absent and not voting, and 17 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 341A in the Journal. No objections. So ordered.

AM2568

1. Strike the original section and all amendments thereto and insert the following new section:

“Section 1. (1) There is hereby appropriated for fiscal year 1984-85 and each fiscal year thereafter, an additional $15,000,000 from the General Fund to the

School Foundation and Equalization Fund, which fund is hereby appropriated to the State Department of Education for Program 043, to aid in carrying out the provisions of Legislative Bill 341, Eighty-eighth Legislature, Second Session, 1984. Such amount shall be in addition to any other amounts appropriated to the School Foundation and Equalization Fund. Fifty per cent of such amount shall be distributed pursuant to section 79-1334 and the other fifty per cent of such amount shall be distributed pursuant to section 79-1339.

(2) In addition to the amount appropriated in subsection (1) of this section, there is hereby appropriated for fiscal year 1984-85 $15,000,000 from the General Fund to the School Foundation and Equalization Fund. Such amount shall be in addition to other amounts appropriated to the School Foundation and Equalization Fund. Fifty per cent of such amount shall be distributed pursuant to section 79-1334 and the other fifty per cent of such amount shall be distributed pursuant to section 79-1339.

(3) In addition to the amounts appropriated in subsections (1) and (2) of this section, there is hereby appropriated for fiscal year 1984-85 $10,000,000 from the General Fund to the School Foundation and Equalization Fund. Such amount shall be in addition to other amounts appropriated to the School Foundation and Equalization Fund. Fifty per cent of such amount shall be distributed pursuant to section 79-1334 and the other fifty per cent of such amount shall be distributed pursuant to section 79-1339.

(4) In addition to the amounts appropriated in subsections (1), (2), and (3) of this section, there is hereby appropriated for fiscal year 1984-85 $10,000,000 from the General Fund to the School Foundation and Equalization Fund. Such amount shall be in addition to other amounts appropriated to the School Foundation and Equalization Fund. Fifty per cent of such amount shall be distributed pursuant to section 79-1334 and the other fifty per cent of such amount shall be distributed pursuant to section 79-1339.

(5) No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. Vickers asked unanimous consent to print the following amendment to LB 341A in the Journal. No objections. So ordered.

AM2579

1. On page 2, line 4, after the second comma insert "to the School Foundation and Equalization Fund, which is hereby appropriated".

Mr. Vickers asked unanimous consent to print the following amendment to LB 341A in the Journal. No objections. So ordered.

AM2503

1. On page 2, after line 9 insert a new paragraph as follows:

"It is the intent of the Legislature to provide financial incentives to local school districts through the appropriation made pursuant to this act to attract and retain highly qualified professional and certificated staff in order to foster and improve student learning.".

VISITORS

Visitors to the Chamber were Mr. Paul Kruse from Peru State College; 22 seniors and teacher from North Loup-Scotia; Glenis Hopp from Talmage; Mr. and Mrs. Al Schmidt and daughter Cindy, from Papillion; and Mr. and Mrs. Robert Bratty from Mass.

ADJOURNMENT

At 6:48 p.m., on a motion by Mr. Vickers, the Legislature adjourned until 9:00 a.m., Friday, March 23, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 23, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 23, 1984

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Reverand Michal Klatt of Zion Lutheran of rural Hoskins and St. John's Lutheran of rural Pierce, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Goll and Rupp who were excused; and Messrs. Chambers, R. Peterson, Schmit, Warner, Withem, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fiftieth Day was approved.

PRESIDENT MCGINLEY PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 301 and LR 302.

SELECT FILE

LEGISLATIVE BILL 928. E & R amendments, AM5391, found in the Journal on page 1676 for the Forty-Eighth Day were adopted.

Mr. Beutler asked unanimous consent to withdraw his pending amendments found in the Journal on pages 1548 and 1549.

Messrs. DeCamp and H. Peterson renewed their pending amendment, AM2528, found in the Journal on page 1701.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The DeCamp-H. Peterson amendment lost with 20 ayes, 22 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Vickers renewed his pending amendment, AM2526, found in the Journal on page 1713.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 7 nays, and 19 not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. KAHLE PRESIDING

The Vickers pending amendment was adopted with 29 ayes, 8 nays, 7 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:
To amend the Vickers' amendment (AM 2526) as follows:
On page 1, line 9, after "examination" insert " designated by the State Board of Education as (i) including the appropriate subject matter areas for purposes of satisfying the requirements of this section and (ii) a nationally recognized examination

The Beutler amendment was adopted with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:
To amend the Vickers' amendment (AM 2526) as follows:
On page 2, line 4 after the period insert:

Failure of a monitor, who is tested for the purpose of satisfying in whole or in part the requirements of this section, to attain a score equal to or exceeding both the state or national average score or rating on appropriate subject matter components of recognized teacher competency examinations designated by the State Board of Education may be by itself sufficient proof that such school does not offer adequate instruction in the basic skills prescribed in this section.

Speaker Nichol offered the following amendment to the Beutler amendment:

To amend Beutler amendment change "may" to "shall" on line 6

Speaker Nichol asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

The Beutler pending amendment was adopted with 26 ayes, 8 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:

To amend the Vickers amendment (AM 2383) as follows:

On page 10, line 24 after the period insert:

Any person who, as an authorized parent representative, transmits information required by this section knowing such information to be false shall be guilty of a Class III Misdemeanor and any person who shall knowingly give false information to an authorized parent representative knowing such information is intended to be transmitted to the State Board of Education shall be guilty of a Class III Misdemeanor.

Mr. Beutler moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Beutler
Kilgarin
Newell
Vickers
Hannibal
Landis
Nichol
Wesely
Hoagland
Marsh
Peterson, R.
Withem
Johnson, R.
McDonald
Pirsch
Johnson, V.
Morehead
Remmers

Voting in the negative, 25:

Abboud
Clark
Hefner
Barrett
DeCamp
Jacobson
Beyer
Eret
Johnson, L.
Chambers
Fenger
Kahle
Chronister
Goodrich
Labedz

Lamb Lundy Pappas Peterson, H. Schmit
Scofield Sieck Von Minden Wagner Warner

Present and not voting, 3:

Carsten Haberman Harris

Excused and not voting, 3:

Goll Higgins Rupp

The Beutler amendment lost with 18 ayes, 25 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Vickers asked unanimous consent to withdraw his pending amendments, AM2478 and AM2479, found in the Journal on pages 1621 and 1622. No objections. So ordered.

PRESIDENT MCGINLEY PRESIDING

Messrs. Hoagland and V. Johnson offered the following amendment:
To amend AM2383 to delete, on page 9, line 23, the language "or principles of conscience."

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Hoagland requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud Barrett Beutler Chronister DeCamp
Goodrich Hannibal Harris Hoagland Johnson, R.
Johnson, V. Kilgarin Landis Marsh McDonald
Morehead Newell Pappas Peterson, R. Scofield
Warner Wesely

Voting in the negative, 24:

Beyer Carsten Chambers Clark Eret
Fenger Haberman Hefner Jacobson Johnson, L.
Kahle Labedz Lamb Lundy Nichol

Peterson, H. Pirsch Remmers Schmit Sieck
Vickers Von Minden Wagner Withem

Excused and not voting, 3:

Goll Higgins Rupp

The Hoagland-V. Johnson amendment lost with 22 ayes, 24 nays, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Newell and Beutler offered the following amendment:

1. In the Vickers amendment #2526, page 1 line 13, strike the period and insert: "and (c) offer evidence that such individual is of sound mental and physical health and of good moral character"; line 18, following "education" insert "and evidence of mental and physical health and moral character"

2. Any person who, as an authorized parent representative, transmits information required by the section knowing such information to be false shall be guilty of a Class IIIA Misdemeanor and any person who shall knowingly give false information to an authorized parent representative knowing such information is intended to be transmitted to the State Board of Education shall be guilty of a Class IIIA Misdemeanor.

Mr. Chambers requested a division of the question on the Newell-Beutler amendment.

The Chair sustained the division of the question.

The first Newell-Beutler amendment is section 1.

Mr. Newell moved for a Call of the House. The motion lost with 5 ayes, 15 nays, and 29 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Beutler DeCamp Hoagland Johnson, R. McDonald
Newell Nichol Wesely Withem

Voting in the negative, 34:

Abboud Barrett Beyer Carsten Chambers
Clark Eret Fenger Goodrich Haberman
Hannibal Hefner Jacobson Johnson, L. Johnson, V.
Kahle Kilgarin Labedz Lamb Landis
Lundy Marsh Morehead Pappas Peterson, H.
Peterson, R. Pirsch Remmers Scofield Sieck
Vickers Von Minden Wagner Warner

Present and not voting, 3:

Chronister Harris Schmit

Excused and not voting, 3:

Goll Higgins Rupp

The first Newell-Beutler amendment lost with 9 ayes, 34 nays, 3 present and not voting, and 3 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER NICHOL PRESIDING

The second Newell-Beutler amendment is section 2.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The second Newell-Beutler amendment was adopted with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LR 304. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 671, 861, and 915.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 861

The following changes, required to be reported for publication in the Journal, have been made:
ER0212
1. On page 1, line 9, "define and" has been inserted after the first "to" and "a term" has been struck and "terms" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 22, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Buntain, David R. - Lincoln, Nebraska Corn Growers Association
Jensen, S. M. - Blair, Great Plains Communications, Inc.
Rasmussen, Del - Lincoln, Adams Central High School
Stone, Eva-Marie E. - Omaha, Schneider, Maragret L.
Yost, Kurt T. - Lincoln, (Withdrawn 3-15-84) Mid-America Lumbermens Association; Nebraska Independent Bankers Association

UNANIMOUS CONSENT - Print in Journal

Mr. Goll asked unanimous consent to print the following amendment to LB 721 in the Journal. No objections. So ordered.

AM2460

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 85-994, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-994. An award may be given to an eligible student for attendance at an eligible postsecondary educational institution if:

(1) The award is made directly to the eligible student rather than to the eligible postsecondary educational institution;

(2) The individual is accepted for enrollment, as follows:

(a) In the case of an individual beginning his or her first year or freshman year of postsecondary education such individual has satisfied requirements for admission and has enrolled or indicated an intent to enroll in an eligible postsecondary educational institution; or

(b) In the case of an individual enrolled in an eligible postsecondary educational institution following the successful completion of the first year, he or she continues to meet the requirements of sections 85-980 to 85-9,102 and has maintained such minimum standards of performance as are required by the institution in which the individual is enrolled;

(3) The maximum award~~, including when applicable, federal matching funds, paid to an eligible student in any one school year,~~ shall be the lesser of the following amounts:

(a) ~~One thousand eight hundred dollars~~ An amount to be set each year by the commission after consideration of the federal Pell Grant authorization limitation; or

(b) ~~The~~ One half the actual tuition ~~charge~~ and fees charged at the eligible postsecondary educational institution selected by the eligible student. Notwithstanding this measure of the amount of the award by the amount of the actual tuition charge, the award paid to the student may be used by the student for any educational expenses;

(4) The award is given on the basis of substantial financial need;

(5) The award covers one school year of attendance as an undergraduate student at an eligible postsecondary educational institution which has adopted and has available for inspection its refund and repayment policies;

(6) The individual receiving such an award signs a notarized affidavit stating that the award will be used only for educational expenses;

(7) The individual is not pursuing a course of study which is pervasively sectarian and creditable toward a theological or divinity degree; and

(8) The individual has complied with such rules and regulations as may be established by the commission.

Sec. 2. That section 85-999, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-999. The commission shall be responsible for:

(1) Supervision of the issuance of public information concerning sections 85-980 to 85-9,102;

(2) Determination of criteria for the eligibility of grantees;

(3) Adoption of rules and regulations for processing and approving applications from students;

(4) Determination of recipients of grants made pursuant to sections 85-980 to 85-9,102; ~~and~~

(5) Determination of the effective date of grants made pursuant to sections 85-980 to 85-9,102; and

(6) Determination of criteria for setting the size of the grants which shall be awarded after the commission considers the maximum grant authorized, the eligibility of applicants, the funds available, and the costs of attending the various eligible institutions.

Sec. 3. That original sections 85-994 and 85-999, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 305.

Introduced by Pappas, 42nd District.

PURPOSE: The purpose of this interim study resolution is to examine the problems of river bank erosion and flood damage done to state-owned property. Such a study shall include an examination of the function the state should take in protecting and controlling the rivers in order to prevent and protect state property. Since the Legislature is aware of the cost savings when advance measures are taken to prevent flooding, the interim study shall look at the availability of funds and equipment to take such advance measures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 306.

Introduced by Pappas, 42nd District.

PURPOSE: The purpose of this resolution is to examine the current status of the Division of Mental Health to determine the effectiveness of the programs provided in the State of Nebraska. To effectively research, study, and evaluate the mental health program, the following topics will be studied:

(1) The state and local funding of the division;
(2) Current program services eligibility and utilization;
(3) Operational and administrative costs;
(4) Facilities provided for the nondangerous mentally ill; and
(5) Any other matters necessary for a complete analysis of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were seniors and teachers from Stratton, Palisade and Hays Center; 14 6th, 7th, and 8th graders, teacher, and sponsors from Mt. Calvary Lutheran School, Omaha; Bill & Mary Fenimore from Scottsbluff and their grandchildren Niffer & Josh Camp from Lincoln; and Senator Beyer's daughter, Linda Everett.

RECESS

At 11:55 a.m., on a motion by Mr. Chambers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Goll and Rupp who were excused; and Messrs. Harris, R. Peterson, Remmers, Schmit, Wagner, Mesdames Higgins, and Marsh who were excused until they arrive.

MOTION - Reconsider Action to LB 928

Mr. Vickers moved to reconsider the action of the Hoagland-V. Johnson amendment to LB 928 considered previously in this day's Journal.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Vickers motion to reconsider action prevailed with 25 ayes, 7 nays, 10 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 928. Messrs. Hoagland and V. Johnson reoffered the following amendment:

To amend AM 2383 to delete, on page 9, line 23, the language "or principles of conscience."

Mr. Chambers moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on the Hoagland-V. Johnson amendment.

Voting in the affirmative, 27:

Abboud Barrett Beutler Beyer Chronister
DeCamp Hannibal Harris Hoagland Jacobson
Johnson, V. Kahle Labedz Landis Marsh
McDonald Morehead Newell Pappas Peterson, H.
Remmers Scofield Sieck Vickers Warner
Wesely Withem

Voting in the negative, 12:

Carsten Chambers Eret Fenger Haberman
Hefner Johnson, L. Johnson, R. Kilgarin Lundy
Nichol Pirsch

Present and not voting, 5:

Clark Goodrich Peterson, R. Von Minden Wagner

Absent and not voting, 1:

Lamb

Excused and not voting, 4:

Goll Higgins Rupp Schmit

The Hoagland-V. Johnson amendment was adopted with 27 ayes, 12 nays, 5 present and not voting, 1 absent and not voting and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers moved to indefinitely postpone LB 928.

PRESIDENT MCGINLEY PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Landis requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 31:

Abboud Barrett Beutler Beyer Carsten
Chronister Clark DeCamp Eret Fenger
Goodrich Hoagland Johnson, V. Kahle Lamb
Landis Lundy Marsh McDonald Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Scofield Sieck Von Minden Wagner Wesely
Withem

Voting in the negative, 9:

Chambers Haberman Hannibal Higgins Johnson, L.

Johnson, R. Kilgarin Morehead Warner

Present and not voting, 6:

Harris Hefner Jacobson Labedz Newell
Vickers

Excused and not voting, 3:

Goll Rupp Schmit

The motion to cease debate prevailed with 31 ayes, 9 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 14:

Carsten Chambers Goodrich Haberman Harris
Higgins Jacobson Johnson, R. Kilgarin Lundy
McDonald Newell Nichol Pirsch

Voting in the negative, 29:

Abboud Barrett Beutler Beyer Chronister
Clark DeCamp Eret Fenger Hannibal
Hefner Hoagland Johnson, V. Kahle Lamb
Landis Marsh Morehead Pappas Peterson, H.
Peterson, R. Remmers Scofield Sieck Vickers
Von Minden Wagner Warner Wesely

Present and not voting, 3:

Johnson, L. Labedz Withem

Excused and not voting, 3:

Goll Rupp Schmit

The Chambers motion to indefinitely postpone lost with 14 ayes, 29 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Vickers moved to suspend the rules, Rule 6, Sec. 5 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 928.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a record vote on the Vickers motion.

Voting in the affirmative, 37:

Abboud Barrett Beyer Chronister Clark
DeCamp Eret Fenger Goodrich Hannibal
Harris Hefner Hoagland Johnson, L. Johnson, V.
Kahle Labedz Lamb Landis Lundy
Marsh McDonald Morehead Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 8:

Beutler Carsten Chambers Haberman Higgins
Johnson, R. Kilgarin Newell

Present and not voting, 1:

Jacobson

Excused and not voting, 3:

Goll Rupp Schmit

The Vickers motion prevailed with 37 ayes, 8 nays, 1 present and not voting, and 3 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud Barrett Beyer Chronister Clark
DeCamp Eret Fenger Hannibal Hefner
Hoagland Johnson, V. Kahle Labedz Lamb
Landis Morehead Pappas Peterson, H. Peterson, R.
Remmers Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely

Voting in the negative, 14:

Carsten Chambers Goodrich Haberman Harris
Higgins Johnson, L. Johnson, R. Kilgarin Lundy
McDonald Newell Nichol Pirsch

Present and not voting, 4:

Beutler Jacobson Marsh Withem

Excused and not voting, 2:

Goll Rupp

Advanced to E & R for Engrossment with 29 ayes, 14 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORT
Agriculture and Environment Committee

The Committee on Agriculture and Environment desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Carla J. Knapp - Environmental Control Council

Voting aye: Senators R. Peterson, Eret, Chronister, Remmers, McDonald, and Haberman. Absent: Senator Pappas.

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Wesely and V. Johnson asked unanimous consent to have their names added as co-introducers to LB 1127. No objections. So ordered.

GENERAL FILE

LEGISLATIVE RESOLUTION 244CA. Considered.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner offered the following amendment:

To amend LR 244 by striking the words starting in line 15 page 2 "domestic and municipal water supply, sanitary and storm sewers, waste water treatment"

The Warner amendment lost with 19 ayes, 4 nays, 22 present and not voting, and 4 excused and not voting.

Mr. Hoagland offered the following amendment:
To amend LR 244 by reinstating the word "revenue", p 2, line 20, and striking "or from other sources," p 2, line 23.

The Hoagland amendment lost with 5 ayes, 14 nays, 26 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment:
To strike the words "and such other purposes" in line 18 page 2.

The Warner amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Chambers moved to indefinitely postpone LR 244CA.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mrs. Marsh requested a roll call vote on the Chambers motion.

Voting in the affirmative, 20:

Abboud
Barrett
Chambers
Eret
Hannibal
Hoagland
Johnson, L.
Johnson, V.
Lamb
Landis
Marsh
Newell
Peterson, R.
Pirsch
Scofield
Vickers
Von Minden
Warner
Wesely
Withem

Voting in the negative, 26:

Beyer
Carsten
Chronister
Clark
DeCamp
Fenger
Goodrich
Haberman
Harris
Hefner
Higgins
Jacobson
Johnson, R.
Kahle
Kilgarin
Labedz
Lundy
McDonald
Morehead
Nichol
Pappas
Peterson, H.
Remmers
Schmit
Sieck
Wagner

Excused and not voting, 3:

Beutler
Goll
Rupp

The Chambers motion to indefinitely postpone lost with 20 ayes, 26 nays, and 3 excused and not voting.

MOTION - Reconsider Action on LR 244CA

Mr. DeCamp moved to reconsider the action of the Warner amendment to LR 244CA previously considered in this day's Journal.

The motion to reconsider prevailed with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 244CA. Mr. Warner reoffered the following amendment:

To amend LR 244 by striking the words starting in line 15 page 2 "domestic and municipal water supply, sanitary and storm sewers, waste water treatment"

The Warner amendment was adopted with 27 ayes, 3 nays, 16 present and not voting, and 3 excused and not voting.

SPEAKER NICHOL PRESIDING

The Chair declared the Call raised.

Mr. Schmit moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. V. Johnson requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Beyer
Carsten
Chronister
Clark
DeCamp
Fenger
Goodrich
Haberman
Harris
Hefner
Higgins
Jacobson
Johnson, R.
Kahle
Kilgarin
Labedz
Lundy
McDonald
Morehead
Nichol
Pappas
Peterson, H.
Remmers
Schmit
Sieck
Wagner
Warner

Voting in the negative, 17:

Barrett
Chambers
Eret
Hannibal
Hoagland
Johnson, L.
Johnson, V.
Lamb
Landis
Marsh
Newell
Peterson, R.
Pirsch
Scofield
Von Minden
Wesely
Withem

Present and not voting, 1:

Vickers

Excused and not voting, 4:

Abboud	Beutler	Goll	Rupp

Advanced to E & R for Review with 27 ayes, 17 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Kahle asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 724, 724A, 769, 825, 931, and 931A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 825

The following changes, required to be reported for publication in the Journal, have been made:
ER0198
1. Because of the Jacobson amendment, AM2329, adopted March 15, 1984, in the Goll, Fenger, and Hefner amendment, AM2469, adopted March 15, 1984, amendment 2 has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 829. Considered.

Messrs. R. Johnson and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

MR. CLARK PRESIDING

Mr. Warner moved to indefinitely postpone LB 829.

Mr. Warner moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Warner requested a roll call vote on his motion.

Voting in the affirmative, 16:

Carsten Chronister Clark Fenger Hefner
Jacobson Johnson, L. Lundy Morehead Nichol
Peterson, H. Peterson, R. Remmers Sieck Von Minden
Warner

Voting in the negative, 19:

Barrett Beyer Chambers DeCamp Eret
Haberman Hoagland Johnson, V. Kilgarin Labedz
Landis Marsh McDonald Newell Pappas
Schmit Vickers Wesely Withem

Present and not voting, 7:

Goodrich Hannibal Harris Higgins Pirsch
Scofield Wagner

Absent and not voting, 1:

Lamb

Excused and not voting, 6:

Abboud Beutler Goll Johnson, R. Kahle
Rupp

The Warner motion to indefinitely postpone lost with 16 ayes, 19 nays, 7 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Messrs. DeCamp and Remmers asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Barrett Beutler Beyer Carsten Chambers
Eret Goodrich Haberman Hannibal Harris
Higgins Hoagland Johnson, V. Kilgarin Labedz
Landis Marsh McDonald Morehead Newell
Pappas Schmit Scofield Vickers Wesely
Withem

Voting in the negative, 14:

Chronister Clark Fenger Hefner Jacobson
Johnson, L. Lamb Lundy Nichol Peterson, H.
Peterson, R. Sieck Von Minden Warner

Present and not voting, 3:

Abboud Pirsch Wagner

Excused and not voting, 6:

DeCamp Goll Johnson, R. Kahle Remmers
Rupp

Advanced to E & R for Review with 26 ayes, 14 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 307.

Introduced by Vickers, 38th District.

PURPOSE: The purpose of this interim study is to utilize the legislative public hearing process to examine the feasibility of creating a State Banking Board to serve as an advisory body to the Department of Banking and Finance and to provide an avenue for members of the public and state employees to deal with banking and finance problems that affect public accountability and the public interest. Amendment 2464 to Legislative Bill 1039, Eighty-eighth Legislature, Second Session, 1984, was introduced this session to establish such a board and raised several questions which must be answered prior to the implementation of such a proposal. This study seeks to answer those questions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hefner and DeCamp asked unanimous consent to print the following amendment to LB 1124 in the Journal. No objections. So ordered.

(AMENDMENT TO COMMITTEE AMENDMENTS)

Section 7(6) page 9, strike in line 21 beginning with "No" through semicolon in line 23.

Add—

However, federal taxable income shall be adjusted so as to exclude dividends received by the taxpayer from a corporation incorporated outside the United States; and a deduction shall be allowed for foreign income taxes paid which the taxpayer elected to take as a credit on its federal income tax return less the Sec. 78 "gross up" dividends that are included in dividends received from foreign corporations that are already excluded from taxable income. However, in no such case shall such foreign tax deduction exceed the foreign taxes actually paid or accrued or deemed to have been paid or accrued for the taxable year. No other adjustments shall be allowed for a change from any other election made or the method used in computing federal taxable income.

RESOLUTION

LEGISLATIVE RESOLUTION 308.

Introduced by Vickers, 38th District.

WHEREAS, Nebraska's farmers are facing a financial crisis which is evidenced by the increasing number of farm sales and the general and widespread depressed value of farm real estate, and

WHEREAS, this financial crisis has put extreme pressure on all other parts of Nebraska's economy including the financial institutions lending money to the farm community; and

WHEREAS, the state's role in regulating those financial institutions may need to be evaluated in light of the current financial crisis.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Governor and Department of Banking and Finance carefully examine their current policies and practices of regulating financial institutions which serve agriculture.
2. That the Department of Banking and Finance examine and analyze general or widespread trends in the agricultural lending industry and report those trends to the Legislature giving particular attention to the general and widespread depressed condition of farm real estate values. The department shall also report to the Legislature on how the department's current standards or regulatory policies may affect the financial institutions impacted by the financial crisis in agriculture.
3. That the Legislature urges farmers and lending institutions which serve them to report to the Legislature and its members the problems they are experiencing and possible measures that can be taken to resolve the financial crisis currently facing agriculture.

Referred to Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 450 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2600.)

Mr. Vickers asked unanimous consent to print the following amendment to LB 341 in the Journal. No objections. So ordered.

To amend LB 341 as follows
strike section 5.

UNANIMOUS CONSENT - Members Excused

Messrs. Chambers, Chronister, and Von Minden asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 949. Title read. Considered.

Standing Committee amendments, AM2134, printed separate from the Journal and referred to on page 1184 were considered.

Mr. Hefner renewed his pending amendment, AM2318, found in the Journal on page 1427 to the Standing Committee amendments.

The Hefner amendment was adopted with 11 ayes, 0 nays, 28 present and not voting, and 10 excused and not voting.

Mrs. Morehead renewed her pending amendment, AM2376, found in the Journal on page 1461 to the Standing Committee amendments.

The Morehead amendment was adopted with 14 ayes, 10 nays, 15 present and not voting, and 10 excused and not voting.

Mr. Hefner offered the following amendment to the Standing Committee amendments:
AM2592
(Amendment to the Standing Committee amendments)

1. On page 5, line 22, after the quotation marks insert "; in line 24 strike 'This' and insert 'Section 40 of this'; and in line 25 after '1984' insert ', and the remaining sections of this act shall become operative on their effective date' ".

2. Insert the following new section:

"Sec. 78. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Hefner amendment was adopted with 20 ayes, 0 nays, 21 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Messrs. Harris and Vickers asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner renewed his pending amendment, AM2221, found in the Journal on page 1386.

The Hefner amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Messrs. Wagner and H. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman offered the following amendment:
AM2582

1. On page 12, line 24, strike "five", show as stricken and insert "three"; and in line 26 strike "five-year", show as stricken, and insert "three- year".

The Haberman amendment lost with 2 ayes, 18 nays, 17 present and not voting, and 12 excused and not voting.

Mr. Hannibal offered the following amendment:

Amend LB 949 by adding a new section as follows:

If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

The Hannibal amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 930 in the Journal. No objections. So ordered.

AM2267

1. Insert a new section as follows:

"Sec. 2. That section 79-1338, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1338. From the sum calculated pursuant to section 79-1336, each district shall subtract operating funds obtained from (1) the State of Nebraska under section 79-1334, (2) the qualifying levy prescribed in section 79-1335, except that ~~; Provided,~~ operating funds received from that portion of the local tax levy which exceeds the minimum prescribed in section 79-1335 shall be excluded from this computation, (3) tuition receipts as defined in this section, (4) fines, (5) license fees, (6) transportation reimbursements, (7) the Insurance Tax Fund, and (8) funds received under the provisions of Chapter 79, article 13.

For purposes of making the computations

required in subdivision (3) of this section, the school district shall exclude all special education tuition receipts. Tuition receipts shall include only those receipts which exceed one hundred twenty-five per cent of the elementary ~~or secondary~~ per pupil costs~~,~~ ~~whichever is applicable,~~ as reported in the annual financial report for the appropriate year based on the enrollment of nonresident elementary students as reported in the fall school district membership report for the appropriate year. ~~Such tuition receipts shall be computed separately for elementary and secondary pupils.~~".

2. On page 8, line 9, after "section" insert "79-1338, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 10 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

Messrs. Hoagland, V. Johnson, Newell, Wesely, McDonald, Beutler, Withem, DeCamp, Mesdames Marsh, and Morehead asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

1. In the Vickers amendment, AM2383:

(a) On page 4, line 12, after "schools" insert ". The right of schools to elect not to meet state accreditation or approval requirements shall terminate on August 1, 1988"; and

(b) On page 11, line 23, after the period insert "The provisions of this subsection shall terminate on August 1, 1988.".

2. In the E & R amendments, AM5391, on page 1, line 10, after the underscored period insert "This section shall terminate on August 1, 1988.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 13A, 714, 975, and 1019.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 975

The following changes, required to be reported for publication in the Journal, have been made:
ER0215
1. On page 10, line 6, "section" has been struck and "sections" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 530. Title read. Considered.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendments, AM0884, found in the Journal on page 1119 for the Fifty-First Day, First Session, lost with 4 ayes, 8 nays, 25 present and not voting, and 12 excused and not voting.

Mr. Warner asked unanimous consent to withdraw his pending amendment, AM2289, found in the Journal on page 1334. No objections. So ordered.

Mr. Warner offered the following amendment:
AM2558

1. On page 2, line 10, strike beginning with "Effective" through "agricultural", show as stricken, and insert "Agricultural"; in line 18 strike "Effective April 1, 1983" and insert "Except as provided in sections 4 to 6 of this act, effective October 1, 1984"; strike lines 21 through 23; and in line 24 strike "April 1, 1985" and insert "January 1, 1988".

2. On page 3, line 10, strike "after June 1, 1979," and show as stricken; in line 17 strike "Effective April"; in line 18 strike "1, 1983," and insert "Except as provided in sections 4 to 6 of this act, effective October 1, 1984,"; strike beginning with "Effective" in line 20 through the period in line 23; and in line 23 strike "April 1, 1985" and insert "January 1, 1988".

3. On page 4, line 25, strike "6" and insert "10"; and in line 26 strike "April 1, 1985" and insert "January 1, 1988".

4. Insert new sections as follows:

"Sec. 4. In order to insure appropriate

stability in funding and the ability to implement currently planned programs and plan future programs for the maintenance and construction of city streets, county roads, and state highways in this state, it is the purpose of sections 4 to 6 of this act to restrict to a certain amount the loss of revenue due to the tax rate reduction provided in sections 66-410 and 66-428 for agricultural ethyl alcohol produced in the State of Nebraska for use as a motor vehicle fuel and for motor vehicle fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol whose purity is at least ninety-nine per cent alcohol, excluding denaturant.

Sec. 5. (1) On or before the thirtieth day prior to the first day of every calendar quarter, the Tax Commissioner shall compute for the next calendar quarter the amount of difference between the actual receipts from the taxes imposed in the preceding calendar quarter, pursuant to this section and sections 66-410, 66-428, 66-473, 66-477, and 66-478, on motor vehicle fuel subject to the tax rate reduction provided in sections 66-410 and 66-428, and the estimated receipts from such taxes if the tax rate reduction provided in sections 66-410 and 66-428 and this section for such motor vehicle fuel were not in effect.

(2) If the amount of difference computed pursuant to subsection (1) of this section exceeds the amount provided in section 6 of this act for the next calendar quarter, the Tax Commissioner shall compute a tax rate reduction per gallon, set in increments of one-tenth of one cent, except that in no case shall the tax rate reduction be more than four cents per gallon, for such motor vehicle fuel which would limit the amount of difference to no more than the amount provided in section 6 of this act for the next calendar quarter, taking into consideration any adjustments made pursuant to subsection (3) of this section. Such tax rate reduction shall apply for the next calendar quarter to all such motor vehicle fuel instead of the tax rate reduction provided in sections 66-410 and 66-428.

(3) In making the computations required by subsections (1) and (2) of this section, the Tax Commissioner shall, if necessary, adjust the computations for the next calendar quarter to account for the difference between the actual receipts from the taxes imposed in the preceding calendar quarter on such

motor vehicle fuel pursuant to this section and sections 66-410, 66-428, 66-473, 66-477, and 66-478 and the amount provided in section 6 of this act for the preceding calendar quarter.

(4) The tax rate reduction computed pursuant to this section shall be distributed to all licensed motor vehicle fuel dealers at least five days prior to the first day of any calendar quarter during which the tax rate reduction is to be adjusted. Such tax rate reduction shall be utilized in computing the tax due for the period specified by the Tax Commissioner.

Sec. 6. The amount of revenue lost due to the tax rate reduction provided in sections 66-410 and 66-428 and section 5 of this act which shall be allowed, pursuant to section 5 of this act, shall be as follows:

(1) Beginning October 1, 1984, one million eight hundred thousand dollars for each calendar quarter;

(2) Beginning January 1, 1986, one million two hundred fifty thousand dollars for each calendar quarter; and

(3) Beginning January 1, 1987, six hundred twenty-five thousand dollars for each calendar quarter.

Sec. 8. Sections 4 to 6 of this act shall terminate on January 1, 1988, and each section shall be repealed in its entirety along with all amendments thereto.".

5. Strike original section 7.

6. Strike the Standing Committee amendments.

7. Renumber remaining sections accordingly.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Warner amendment was adopted with 25 ayes, 10 nays, 3 present and not voting, and 11 excused and not voting.

Mr. Warner asked unanimous consent to withdraw his pending amendment, AM2522, found in the Journal on page 1703. No objections. So ordered.

Messrs. Haberman and R. Johnson moved to indefinitely postpone

LB 530.

The Chair declared the Call raised.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Haberman-R. Johnson motion to indefinitely postpone lost with 15 ayes, 15 nays, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 832. Title read. Considered.

Standing Committee amendment, AM2048, found in the Journal on page 1036 for the Thirtieth Day was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mr. McDonald asked unanimous consent to withdraw his pending amendment, AM2311, found in the Journal on page 1374. No objections. So ordered.

Mesdames Higgins and Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis asked unanimous consent to withdraw his pending amendment, AM2533, printed separate and referred to in the Journal on page 1733. No objections. So ordered.

Messrs. Landis, McDonald, and R. Peterson offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2585.)

The Landis amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 832A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1124 in the Journal. No objections. So ordered.

AM2598

1. Insert new sections as follows:

“Sec. 4. That section 77-2734, Revised Statutes Supplement, 1983, be amended to read as follows:

77-2734. (1) A tax is hereby imposed for each taxable year on the taxable income derived from sources within this state of any corporation or any other entity taxed as a corporation under the Internal Revenue Code whose business within this state during the taxable year consists exclusively of foreign commerce, interstate commerce, or both, at a rate equal to ~~twenty- five~~ twenty- eight per cent of the rate imposed on individuals under section 77-2715 on the first fifty thousand dollars of taxable income, and at the rate of ~~thirty- five~~ forty per cent of such rate on all taxable income in excess of fifty thousand dollars. For any taxpayer subject to this section whose fiscal year does not coincide with the calendar year, the rate initially set shall also apply for the period from January 1, 1968, to the last day of its then current fiscal year.

(2) Except as provided in subsection (1) of this section, for the privilege of exercising its franchise or doing business in this state in a corporate capacity, there is hereby imposed a franchise tax on each corporation or any other entity taxed as a corporation under the Internal Revenue Code according to or measured by its entire net income derived from all sources within this state for the taxable year at the rates imposed under subsection (1) of this section. For the purposes of this subsection the taxpayer’s entire net income shall be its federal taxable income derived from sources within this state as determined pursuant to sections 77-2735 to 77-2749, the State of Nebraska hereby adopting method numbered (4) authorized by section 5219, United States Revised Statutes, as amended, 12 USC 548, for state taxation of national banking associations. The tax imposed by this subsection on national banking associations shall be in lieu of all taxes imposed by this state on national banking associations to the extent it is not permissible to tax such associations under federal law. For the

purpose of computing the franchise or income tax levied in this section, the net income of cooperative organizations shall be the entire net income derived from all sources within this state, excluding distributions of earnings and profits of the cooperative to members or patrons such as dividends paid on capital stock, nonpatronage income allocated to patrons, or patronage dividends attributable to this state as shall be excludable or deductible by such corporation for federal income tax purposes. All provisions of sections 77-2714 to 77-27,124 relating to taxation of corporations shall apply to franchise taxes or income taxes imposed under this section unless the context requires otherwise.

Any (a) corporation subject to tax under section 44-1213, 77-908, 77-909, or 81-523, (b) corporations organized as cooperatives under Chapter 21, article 13, (c) electric cooperatives organized under Chapter 70, article 7, (d) nonstock cooperative marketing companies organized under Chapter 21, article 14, (e) savings and loan associations, (f) production credit associations, (g) persons licensed to engage in this state in the business of purchasing installment paper, (h) installment loan companies, (i) credit unions, (j) mutual investment companies, (k) banks for cooperatives, and (l) industrial loan and investment companies shall be credited, in the computation of tax due under the provisions of this section, with the amount paid during the taxable year as taxes in lieu of intangible tax.

(3)(a) A small business corporation having an election in effect under subchapter S of the Internal Revenue Code shall not be subject to the Nebraska income tax or franchise tax on corporations.

(b) The shareholders of such corporation who are residents of Nebraska shall include in their incomes their proportionate share of such corporation's federal taxable income.

(c) If any shareholder of such corporation is a nonresident during any part of the corporation's taxable year, he or she shall file a Nebraska income tax return and shall include in Nebraska adjusted gross income that portion of the corporation's Nebraska income, as determined under the provisions of sections 77-2735 to 77-2749, allocable to his or her interest in the corporation. He or she shall execute and forward to the corporation, before the original due date of the Nebraska corporate return, an agreement which states that he or she will file a Nebraska income tax return and pay income tax on all income derived from or connected with sources in this state, and such agreement shall be attached to the corporation's Nebraska return for such taxable year.

(d) In the absence of the nonresident shareholder's executed agreement being attached to the Nebraska corporate return, the corporation shall remit a portion of his or her share of the corporation's taxable income which was derived from or attributable to this state, which portion shall be ten per cent of the nonresident shareholder's share of the corporation's income which was derived from or attributable to sources within this state.

(e) The Tax Commissioner may require a nonresident shareholder to file a Nebraska income tax return even though his or her only source of Nebraska income was his or her share of the corporation's income which was derived from or attributable to sources within this state, and the amount of remittance by the corporation on behalf of such nonresident shareholder shall be allowed as a credit against his or her Nebraska income tax liability.

Sec. 7. That original section 77-2734, Revised Statutes Supplement, 1983, is repealed.".

2. In the Standing Committee amendments, on page 1, line 9, strike "Section 1" and insert "Sections 1, 4, and 7"; and in line 16 strike "5" and insert "6".

3. Strike Standing Committee amendment 3.

4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Mrs. Myron Rumery from North Platte.

ADJOURNMENT

At 6:06 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Monday, March 26, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 26, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 26, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Harris, R. Johnson, Lamb, Landis, Newell, Remmers, Rupp, Schmit, Warner, Mesdames Higgins, Labedz, Morehead, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-First Day was approved.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. H. Peterson asked unanimous consent to have his name added as co-introducer to LB 828. No objections. So ordered.

MOTION - Approve Appointments

Mr. Fenger moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 1795:

Manufactured Housing Advisory Board; Edward J. Kucirek, James C. Hille, Robert L. Eddy.

Nebraska Commission for Hearing Impaired; James E. Kamas, Berton Leavitt, Marie L. Williams, Ralph L. Geisler.

Rural Health Manpower Commission; Dr. Judy Butler, Dr. L.C. Potts, Marita Fickes, Bill Matthews.

Voting in the affirmative, 26:

Barrett	Beyer	Carsten	Clark	DeCamp
Eret	Fenger	Goll	Goodrich	Hefner
Hoagland	Jacobson	Johnson, L.	Johnson, V.	Kahle
Lundy	Marsh	McDonald	Nichol	Pappas
Pirsch	Scofield	Von Minden	Wagner	Wesely
Withem				

Voting in the negative, 0.

Present and not voting, 7:

Chambers	Chronister	Haberman	Hannibal	Peterson, H.
Sieck	Vickers			

Excused and not voting, 16:

Abboud	Beutler	Harris	Higgins	Johnson, R.
Kilgarin	Labedz	Lamb	Landis	Morehead
Newell	Peterson, R.	Remmers	Rupp	Schmit
Warner				

The appointments were confirmed with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Haberman moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointment found in the Journal on page 1829: Carla J. Knapp - Environmental Control Council.

Voting in the affirmative, 26:

Beyer	Carsten	Eret	Fenger	Goll
Goodrich	Haberman	Hefner	Hoagland	Jacobson
Johnson, L.	Johnson, V.	Kahle	Landis	Lundy
Marsh	McDonald	Newell	Nichol	Peterson, H.
Pirsch	Remmers	Scofield	Wagner	Wesely
Withem				

Voting in the negative, 0.

Present and not voting, 10:

Barrett	Chambers	Chronister	Clark	DeCamp
Hannibal	Pappas	Sieck	Vickers	Von Minden

Excused and not voting, 13:

Abboud Beutler Harris Higgins Johnson, R.
Kilgarin Labedz Lamb Morehead Peterson, R.
Rupp Schmit Warner

The appointment was confirmed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 809A. Title read. Considered.

Mr. Newell offered the following amendment:
On page 2, strike beginning with "(1)" in line 1, through "(2)" in line 3.

Mr. DeCamp requested a record vote on the Newell amendment.

Voting in the affirmative, 30:

Barrett Beyer Carsten Chronister Clark
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Hoagland Jacobson Johnson, L.
Kahle Kilgarin Lundy Marsh McDonald
Newell Nichol Peterson, H. Pirsch Remmers
Scofield Vickers Von Minden Wesely Withem

Voting in the negative, 2:

DeCamp Pappas

Present and not voting, 7:

Chambers Eret Johnson, V. Lamb Landis
Sieck Warner

Excused and not voting, 10:

Abboud Beutler Higgins Johnson, R. Labedz
Morehead Peterson, R. Rupp Schmit Wagner

The Newell amendment was adopted with 30 ayes, 2 nays, 7 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 28 ayes, 2 nays, 9 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 956A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1106A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1127A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

AM2557

1. Insert a new section as follows:

"Sec. 2. Section 1 of this act shall terminate on July 1, 1988, and shall be repealed in its entirety along with all amendments.".

Mr. Newell asked unanimous consent to print the following amendment to LB 762 in the Journal. No objections. So ordered.

AM2555
(Amendments to Standing Committee amendments, AM1972)

1. On page 2, line 21, strike "Notice", show as stricken, and insert "Until July 1, 1988, notice"; and in line 22 after "thereto" insert ", and on July 1, 1988, and thereafter, at least twenty days prior thereto,".

2. On page 3, line 9, after the period insert "On July 1, 1988, and thereafter, the notice shall include the requirements of subdivision (1) of this section only.".

3. Insert the following new section:

"Sec. 16. Sections 3 to 16 of this act shall terminate on July 1, 1988, and each section shall be repealed in its entirety along with all amendments, unless reenacted or reestablished by the Legislature.".

4. Renumber the remaining sections accordingly.

Mr. Remmers asked unanimous consent to print the following amendment to LB 1007 in the Journal. No objections. So ordered.

AM2589
(Amendments to Final Reading Copy)

1. On page 6, in lines 10, 18, and 23, strike "keeper" and insert "licensee"; and in line 13 strike "keepers" and insert "licensees".

2. On page 7, in lines 2, 4, and 25, strike "keeper" and insert "licensee"; in line 13 after "a" insert "federally insured"; and strike beginning with "insured" in line 14 through "government" in line 15.

3. On page 8, line 10, strike "keeper" and insert "licensee".

4. On page 9, line 5, strike "keeper" and insert "licensee".

GENERAL FILE

LEGISLATIVE BILL 892. Title read. Considered.

Standing Committee amendments, AM2380, found in the Journal on page 1506 for the Forty-Third Day were considered.

Messrs. Haberman and DeCamp offered the following amendment to the Standing Committee amendments:

Set the income tax at 16% and the sales tax at 3%

Messrs. Haberman and DeCamp asked unanimous consent to withdraw their pending amendment. No objections. So ordered.

The Standing Committee amendments were adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 341. Mr. Vickers renewed his pending amendment found in the Journal on page 1836.

The Vickers amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Haberman offered the following amendment:

To amend that the minimum mill levy of school districts that are within the boundaries of another district shall not be added together to qualify for equalization aid

The Haberman amendment lost with 5 ayes, 12 nays, 25 present and not voting, and 7 excused and not voting.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 28 ayes, 7 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 341A. E & R amendment, AM5389, found in the Journal on page 1676 for the Forty-Eighth Day was adopted.

Messrs. Lamb and Hoagland renewed their pending amendment found in the Journal on page 1507.

Messrs. Lamb and Hoagland asked unanimous consent to withdraw their pending amendment. No objections. So ordered.

Mr. Vickers asked unanimous consent to withdraw his pending amendments, AM2568, AM2579, AM2503, found in the Journal on pages 1812, 1813, and 1814. No objections. So ordered.

Mr. Vickers offered the following amendment:
AM2604

1. Strike the original section and all amendments thereto and insert the following new section:

"Section 1. (1) There is hereby appropriated for fiscal year 1984-85 and each fiscal year thereafter, an additional $10,000,000 from the General Fund to the School Foundation and Equalization Fund, which fund is hereby appropriated to the State Department of Education for Program 143, to aid in carrying out the provisions of Legislative Bill 341, Eighty-eighth Legislature, Second Session, 1984. Such amount shall be in addition to any other amounts appropriated to the School Foundation and Equalization Fund. Fifty per cent of such amount shall be distributed pursuant to section 79-1334 and the other fifty per cent of such amount shall be distributed pursuant to section 79-1339.

(2) In addition to the amount appropriated in subsection (1) of this section, there is hereby appropriated for fiscal year 1984-85 $10,000,000 from the General Fund to the School Foundation and Equalization Fund. Such amount shall be in addition to other amounts appropriated to the School Foundation and Equalization Fund. Fifty per cent of such amount shall be distributed pursuant to section 79-1334 and the other fifty per cent of such amount shall be distributed

pursuant to section 79-1339.

(3) In addition to the amounts appropriated in subsections (1) and (2) of this section, there is hereby appropriated for fiscal year 1984-85 $5,000,000 from the General Fund to the School Foundation and Equalization Fund. Such amount shall be in addition to other amounts appropriated to the School Foundation and Equalization Fund. Fifty per cent of such amount shall be distributed pursuant to section 79-1334 and the other fifty per cent of such amount shall be distributed pursuant to section 79-1339.

(4) No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. Vickers moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Vickers amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Messrs. Remmers and Sieck asked unanimous consent to print the following amendment to LB 444 in the Journal. No objections. So ordered.

AM2373

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Public Education Income Tax Act.

Sec. 2. For all taxable years beginning on or after January 1, 1985, in addition to the tax imposed by sections 77-2714 to 77-27,135, a public education income tax is hereby imposed for each taxable year on the income of individuals, trusts, estates, and corporations. The tax shall be a flat percentage of:

(1) For each resident individual, the taxpayer's federal adjusted gross income for the taxable year;

(2) For each nonresident individual, the taxpayer's federal adjusted gross income for the taxable year which is attributable to income derived from sources within this state;

(3) For each resident trust or estate, the taxpayer's federal taxable income for the taxable year;

(4) For each nonresident trust or estate, the taxpayer's federal taxable income for the taxable year which is attributable to income derived from sources within this state; and

(5) For each corporation, the taxpayer's federal taxable income for the taxable year which is attributable to income derived from sources within this state.

There shall be subtracted from the amounts specified in subdivisions (1) through (5) of this act all income exempt from taxation by state government due to federal law.

For any taxpayer whose taxable year does not coincide with the calendar year, the rate initially set shall also apply for the period from January 1, 1985, to the last day of the taxpayer's then current taxable year. In each subsequent tax year such taxpayer shall pay the tax at the rate in effect on the first day of such tax year.

Sec. 3. The Department of Revenue shall have the responsibility for the collection and enforcement of the tax levied by section 2 of this act. The pertinent provisions of sections 77-2714 to 77-27,135 shall apply to the Public Education Income Tax Act, except as modified or when otherwise inconsistent with the act, regarding the determination of income subject to tax, the definitions of terms, the filing of returns, the withholding and payment of estimated tax, the collection and enforcement of the tax, and other matters arising out of the provisions of the act. The tax shall be made a part of, or shall be incorporated into, the state income tax return.

Sec. 4. (1) The public education income tax rate shall be a statewide uniform rate for all taxpayers subject to the public education income tax. The tax rate shall be determined by the State Board of Education on or before December 1 of each year for the taxable year beginning in the subsequent calendar year. The rate shall be determined by dividing one half of the total state and local school district revenue by the total federal adjusted gross income of resident individuals, using such figures from the most recent year both figures are available. The board shall then immediately notify the Department of Revenue of the public education income tax rate for the subsequent taxable year.

(2) For purposes of this section and section 7 of this act:

(a) Total state and local school district revenue shall mean the sum of all local school district taxes and all state and to schools as reported by school districts on lines 1 and 28 of the annual financial reports, and such report appears on the effective date of this act, submitted to the State Department of Education;

(b) Average per pupil revenue shall mean an amount equal to the total revenue of a school district as reported on lines 1 and 28 of the annual financial report, as such report appears on the effective date of this act, divided by total enrollment identified in the full school district enrollment report for the same year as the annual financial report; and

(c) Statewide average per pupil revenue shall mean total state and local school district revenue divided by the total enrollment of all districts as reported in the full school district enrollment reports submitted to the State Department of Education.

Sec. 5. The Department of Revenue shall collect the public education income tax concurrently with collection of the state income tax in the same manner as the state income tax is collected. The Department of Revenue shall remit monthly the proceeds of the public education income tax from resident individuals to the school district in which the taxpayer is a resident, after deducting amounts for necessary refunds. In the case of a Class I school district proceeds of the public education income tax collected from resident individuals in such district shall be returned to the district to be used to pay for secondary education tuition costs charged to the district.

Sec. 6. The Public Education Finance Fund is hereby created. The fund shall consist of the proceeds of the public education income tax from trusts, estates, corporations, nonresident individuals, resident individuals for which a school district of residency cannot be determined, and such additional sums as are appropriated by the Legislature. The money in such fund, after deducting amounts for necessary refunds, shall be distributed to school districts pursuant to section 7 of this act.

Sec. 7. (1) No school district shall receive funds from the Public Education Finance Fund unless the school district's property tax rate equals or exceeds the state average school district property tax rate. If a school district's property tax rate equals or exceeds the state average school district property tax rate, then the school district may receive from the Public Education Finance Fund the amount by which the statewide average per pupil revenue, or the school district's average per pupil revenue, whichever is determined by the Department of Education to be less, multiplied by the school district's enrollment, as identified in the fall school district enrollment report, exceeds the total amount of funds received by the school district from the public education income tax on resident individuals plus an amount equal to the state average school district property tax levy multiplied by the valuation of property in the district.

(2) The State Department of Education shall on or before September 1 of each year determine the state average school district property tax rate by dividing the total state revenue school district as defined in section 4 of this act, for the preceding school year by the total actual value of property subject to property tax in this state for the preceding calendar year.

Sec. 8. The amount of funds to be received from the Public Education Finance Fund by each school district qualifying under section 7 of this act shall be distributed to such school districts in two equal payments each fiscal year beginning in September 1985 and February 1986 and each September and February thereafter.

Sec. 9. Section 10 of this act shall become operative on July 1, 1985.

Sec. 10. That sections 79-1330 to 79-1332 and 79-1333.02 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, sections 79-1332.01 and 79-1333.01, Revised Statutes Supplement, 1982, and section 79-1333, Revised Statutes Supplement, 1983, are repealed.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 309.

Introduced by Pappas, 42nd District; V. Johnson, 8th District.

PURPOSE: The purpose of this resolution is to study the discrimination occurring in Nebraska's high schools in regard to scheduling athletic activities for boys and girls.

WHEREAS, across the State of Nebraska the scheduling of girls athletic activities are commonly acknowledged as a weeknight activity and the boys athletic activities are acknowledged as a weekend activity, the state should study the impact this has on the student body in general; and

WHEREAS, the bias against girls athletics is not only academically injurious from the athletic perspective it is also, from the academic standpoint, unfair and discriminatory; and

WHEREAS, the Director of Civil Rights in Education has ruled in a recent opinion that scheduling girls events on weeknights and scheduling boys events on weekends discriminates against girls, it should be addressed by the Legislature; and

WHEREAS, the federal government has addressed discrimination in Title IX of the United States Code Annotated the Legislature should study the situation which appears to conflict with federal law; and

WHEREAS, the role of the High School Athletic Association is to promote and encourage athletics in Nebraska's secondary education system, the association should be studied and asked to help carry out the purposes of this resolution, and to examine the association's promoting and charging of fees for activities at the high school level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 310.

Introduced by Pappas, 42nd District; DeCamp, 40th District.

PURPOSE: The state of Nebraska is interested in providing for the fairest and most equitable taxing system for its citizens. It is in the interest of developing a more livable tax situation that a study is proposed to review our entire tax structure. The study shall include, but not be limited to:

(1) A review of the entire scope of what is currently being taxed and at what rate in this state;

(2) A study of recent taxing trends in other states to determine newly established areas in order to relieve hardship in other areas;

(3) A study of the effects of a potential increase in the corporate tax rate for the state; and

(4) Any other matters necessary for a complete analysis of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a special committee appointed by the Governor shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, propose a bill which will equalize tax burdens for the entire population of the state, and submit the report and proposed bill, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 112. Title read. Considered.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM0395, found in the Journal on page 763, First Session. No objections. So ordered.

Mr. V. Johnson renewed his pending amendment, AM0395, found in the Journal on page 1443.

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 10 nays, and 27 not voting.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for Review with 25 ayes, 17 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 807 in the Journal. No objections. So ordered.

AM2583
(Amendments to The Beyer Amendment, AM2524)

1. On page 1, line 3, after the period insert "That section 9-403, Uniform Commercial Code, as amended by section 10, Legislative Bill 808, Eighty-eighth Legislature, Second Session, 1984, be amended to read as follows:

9-403. What constitutes filing; duration of filing; effect of lapsed filing; duties of filing officer; uniform fees; fee distribution.

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) Except as provided in subsection (6) a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of sixty days or until expiration of the five year period, whichever occurs later. Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes

unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement.

(4) Except as provided in subsection (7) a filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement, an amendment, a separate statement of assignment, a continuation statement, a partial release, or a full release shall be five dollars. There shall be no fee for the filing of a termination statement. The uniform fee for each name more than one required to be indexed shall be three dollars. The secured party may at his or her option show a trade name for any person and an extra uniform indexing fee of three dollars shall be paid with respect thereto. The uniform fee for filing and indexing and for stamping a copy furnished by a lienholder to show the date and place of filing of a lien or an amendment, a separate statement of assignment, a certificate of discharge or subordination, a notice, a certificate of release or nonattachment, partial release, or full release of a lien filed pursuant to Chapter 52, article 2, 5, 7, 9, 10, or 11, or Chapter 54, article 2, shall be five

dollars.

(6) If the debtor is a transmitting utility (subsection (5) of section 9-401) and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 9-103, or is filed as a fixture filing, it shall be filed for record and the filing officer shall index it under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described, and, to the extent that the law of this state provides for indexing of mortgages under the name of the mortgagee, under the name of the secured party as if he or she were the mortgagee thereunder, or where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described.

(8) The provisions of subsections (2) and (3) of this section shall not apply to mortgages or deeds of trust and instruments supplementary or amendatory thereto covering real estate as well as personal property where such property constitutes a portion of the property used in carrying on the business of a public utility or a gas or oil pipeline system and which are executed to secure the payment of money. The lien of such mortgages or deeds of trust and amendments and supplements thereto shall continue in force and effect as to the personal property described therein, together with any interest of the mortgagor in real estate therein described even if the same has been on file five years or more. The instruments filed shall disclose that the mortgagor or grantor therein is then carrying on the business of a public utility or an oil or gas pipeline system or such fact shall be disclosed by an affidavit of the mortgagor or grantor to that effect filed for record with the county clerk.

(9) Any county clerk ~~or register of deeds~~ receiving a fee under subsection (5) of this section for filing any document from which information is required to be transmitted to the Secretary of State shall on a monthly basis forward one dollar of each three dollar fee and two dollars of each five dollar fee received pursuant to subsection (5) of this section to the Secretary of State for deposit in the Uniform Commercial

Code Cash Fund.

(10) The Secretary of State shall deposit one dollar of each three dollar fee and two dollars of each five dollar fee received pursuant to subsection (5) of this section in the Uniform Commercial Code Cash Fund.

Sec. 2."; in lines 7 and 8 strike "register of deeds;" and show as stricken; and in line 18 strike "or register of deeds" and show as stricken.

2. On page 2, line 13, strike "or register of deeds" and show as stricken.

3. On page 3, strike beginning with the third "or" in line 5 through "deeds" in line 6 and show as stricken; in line 21 strike "2" and insert "Sec. 3" and after "section" insert "9-403, Uniform Commercial Code, as amended by section 10, Legislative Bill 808, Eighty-eighth Legislature, Second Session, 1984, and section"; and in line 24 strike "is" and insert "are".

GENERAL FILE

LEGISLATIVE BILL 852. Title read. Considered.

MR. LAMB PRESIDING

Messrs. Schmit and Hefner offered the following amendment:
To amend LB 852 as follows:
1. Strike sections 1 and 4.
2. Renumber original sections

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

1. On page 4, after line 10, insert the following new subsection:

"(4) Any defendant ordered to pay the costs of incarceration pursuant to this section shall not be required to pay an amount exceeding the costs of thirty days' incarceration for any one conviction."; and in line 11 strike "(4)" and insert "(5)".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Newell asked unanimous consent to have his name added as co-introducer to LB 457. No objections. So ordered.

VISITORS

Visitors to the Chamber were 47 eighth grade students and teachers from Centura Public School, Cairo; 4 seniors and teacher from Clearwater; former Sergeant at Arms Ray Wilson and his friend Patrick McCarthy from Lincoln; 21 seniors and teacher from Sargent High School; 22 seniors and teacher from Adams High School; Senator Higgins' niece Mrs. Frank (Helen) Ayres from Omaha; 17 fourth graders and teacher from North Bend; Ms. Constance Gordon Wiener from New York City; 66 eighth graders and teacher from St. Thomas Moore, Omaha; Mrs. Bill (Helen) Tallichet from Lincoln; and 30 members of Benson Republican Women's Club from Omaha.

RECESS

At 12:02 p.m., on a motion by Mr. H. Peterson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner, V. Johnson, Landis, Lundy, Schmit, Sieck, Vickers, Warner, and Mrs. Labedz who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 1089.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. H. Peterson and DeCamp asked unanimous consent to have their names added as co-introducers to LB 928. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 457. Title read. Considered.

Mr. Wesely renewed his pending amendment, AM2331, printed separate from the Journal and referred to on page 1398.

Mrs. Higgins and Mr. Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment to the Wesely amendment:

To amend AM2331 of LB 457

1. Strike sections 2 and 4 2. On Pg 4 in lines 9 thru 17, strike the new matter and reinstate the stricken matter
3. On Pg 12 line 1 strike "79-1520, 79-1529"
4. Renumber sections accordingly

Mr. Beutler moved for a Call of the House. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud	Beutler	Beyer	Clark	DeCamp
Fenger	Hefner	Jacobson	Johnson, V.	Lamb
Landis	Lundy	Nichol	Peterson, R.	Pirsch
Sieck	Vickers	Von Minden	Withem	

Voting in the negative, 26:

Barrett	Carsten	Chronister	Eret	Goll
Goodrich	Haberman	Hannibal	Harris	Higgins
Hoagland	Johnson, L.	Johnson, R.	Kahle	Kilgarin
Marsh	McDonald	Morehead	Newell	Pappas
Peterson, H.	Remmers	Rupp	Schmit	Scofield
Wagner				

Present and not voting, 1:

Wesely

Excused and not voting, 3:

Chambers	Labedz	Warner

The Beutler amendment lost with 19 ayes, 26 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

SPEAKER NICHOL PRESIDING

Mr. Wesely moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Beyer	Carsten	Chronister	Eret	Goll
Goodrich	Haberman	Harris	Higgins	Hoagland

Johnson, L.	Johnson, R.	Kilgarin	Marsh	McDonald
Morehead	Newell	Pappas	Peterson, H.	Remmers
Rupp	Schmit	Scofield	Vickers	Wagner
Wesely				

Voting in the negative, 17:

Abboud	Barrett	Beutler	Clark	DeCamp
Fenger	Hefner	Jacobson	Johnson, V.	Kahle
Lamb	Landis	Lundy	Nichol	Peterson, R.
Sieck	Von Minden			

Present and not voting, 3:

Hannibal	Pirsch	Withem

Excused and not voting, 3:

Chambers	Labedz	Warner

The Wesely amendment was adopted with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland and Vickers asked unanimous consent to print the following amendment to LB 1057 in the Journal. No objections. So ordered.

AM2616

1. On page 2, line 14, strike "Nebraska" and insert "person who has met the residency requirements of section 85-502 and"; and in line 15 strike "resident".

RESOLUTION

LEGISLATIVE RESOLUTION 311.

Introduced by R. Johnson, 34th District, Pappas, 42nd District.

PURPOSE: The Purpose of this interim study resolution is to examine the scope and adequacy of Nebraska's animal protection statutes, and the efficacy of local services in preventing abusive or neglectful practices.

The study should compare Nebraska's current laws with those being proposed and enacted in other states (e.g., Missouri) which set forth more completely the obligations of owners and animal protection societies with regard to the treatment of animals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1078A. By Kahle, 37th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1078, Eighty-eighth Legislature, Second Session, 1984.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 1124 in the Journal. No objections. So ordered.

AM2606
(Amendments to Standing Committee Amendments)

1. On page 1, line 1, strike "20" and insert "13, 20,"; and in line 3 strike "19" and insert "18".

2. On page 2, line 7, before the semicolon insert "and strike 'corporation' and insert 'or more corporations'; in line 12 strike 'all or a part' and insert 'fifty per cent or more' "; in line 10 strike "line 18," and insert "line 6, after the underscored period insert 'A corporation using a formula required by a regulation issued pursuant to subsection (3) of section 18 of this act is using a formula based on property, payroll, and sales.'; in line 18"; in line 16 strike the second "and"; in line 17 before the period insert "; in line 22 strike '19' and insert '18'; and strike beginning with 'be' in line 24 through line 27"; and in line 18 strike "line 15," and insert "strike line 1 and insert 'include the income from intangibles such as interest, royalties, or dividends and the net income from gains on the sale of intangibles;'; in line 2 strike 'The' and insert 'Except as provided in subdivision (1) of this section, the'; in line 15".

3. Insert new amendments as follows:

"5. On page 6, after line 10 insert a new subsection as follows:

'(7) There shall be subtracted from federal taxable income (a) dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code, and (b) foreign income taxes paid which the corporation elected to take as a credit on its federal income tax return and which are not included within dividends deemed to be received under subdivision (a) of this subsection, but such deduction shall not exceed the foreign taxes actually paid or accrued or deemed to have been paid or accrued for the taxable year.'; and in line 22 strike '19' and insert '18'.

7. On page 8, line 5, strike '19' and insert '18'.

8. On page 9, line 21, strike 'No' and insert 'Except as provided in subsection (7) of section 77-2716, no'; and in line 23 after 'income' insert '. An election to file a federal consolidated return will not require the inclusion in any unitary group of a corporation that is not a part of the unitary business'.

11. On page 12, line 2, strike 'sections 12 and 13' and insert 'section 12'; strike lines 11 through 13 and insert 'claimed the same income is part of the unitary business and subject to apportionment in another state with substantially the same law on apportionability of income.'; and in line 18 after 'reduced' insert ', but not below zero,'.

16. On page 20, line 2, strike '18' and insert '17'; in line 22 after the second 'the' insert 'property, payroll, and sales factors of the'; and in line 24 strike 'factor computation' and insert 'taxation'.".

4. Renumber remaining amendments accordingly.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 845 in the Journal. No objections. So ordered.

AM2613

1. Insert the following new sections:

"Sec. 20. That section 25-502.01, Revised Statutes Supplement, 1983, be amended to read as follows:

25-502.01. The plaintiff shall file with the clerk of the court a praecipe for summons stating the name and address of each party to be served and the manner of service for each party. Upon written request of the plaintiff, separate or additional summonses shall be issued.

Sec. 21. That section 25-505.01, Revised Statutes Supplement, 1983, be amended to read as follows:

25-505.01. (1) Unless otherwise limited by statute or by the court, a plaintiff may elect to have service made by any of the following methods:

(a) ~~(1)~~ Personal service which shall be made by leaving the summons with the individual to be served;

(b) ~~(2)~~ Residence service which shall be made by leaving the summons at the usual place of residence of the individual to be served, with some person of suitable age and discretion residing therein; or

(c) ~~(3)~~ Certified mail service which shall be made by ~~(a)~~ (i) within ten days of issuance, sending the summons to the defendant by certified mail with a return receipt requested showing to whom and where delivered and the date of delivery, and ~~(b)~~ (ii) filing with the court proof of service with the signed receipt attached.

(2) Failure to make service by the method elected by the plaintiff does not affect the validity of the service.

Sec. 22. That section 25-821, Revised Statutes Supplement, 1983, be amended to read as follows:

25-821. The answer or demurrer of the defendant shall be filed within thirty days after service of the summons and petition or completion of service by publication. The reply or demurrer of the plaintiff shall be filed within fifteen days after the filing of the answer.

Sec. 23. That section 25-1011, Revised Statutes Supplement, 1983, be amended to read as follows:

25-1011. The ~~A copy of the~~ summons and order of garnishment and the interrogatories in duplicate shall be served upon the garnishee in the manner provided for service of a summons in a civil action, except that certified mail service may not be used.

Sec. 24. That section 25-1012.02, Revised Statutes Supplement, 1982, be amended to read as follows:

25-1012.02. Such proceedings may be brought against the State of Nebraska or any county, township, municipal corporation, municipally owned corporation, or school district~~,~~ as garnishee defendant, and process ~~served upon the officer, or a representative of such officer, whose duty it is to pay or issue warrants for the payment of the officer or employee whose earnings are sought to be held~~ shall be served in the manner provided for service of a summons in a civil action, except that certified mail service may not be used. It shall be the duty of the garnishee defendant ~~such officer or his or her representative~~ to answer any garnishment summons served ~~upon him or her~~ under the provisions of this section and section 25-1012.01 in the same manner as is now provided by law for the answer of corporations, and such defendant ~~officer~~ shall abide the order of the court issuing the garnishment, with regard to paying into court any amount ordered, not in excess of the amount earned by the officer or employee garnished, to the date of the answer. Such defendant ~~The officer whose duty it is to pay or issue warrants for the payment of officers and employees shall not be~~

~~required to appear and answer such summons in person, but~~ he ~~or she may appear in person to answer such summons or he or she may file his or her answer in writing; or he or she~~ may submit a written answer by United States mail to the clerk of the court issuing the summons. Such answer in garnishment shall in addition to any other matters stated therein state the amount of money due the officer or employee whose earnings are sought to be held to the answer day as shown in such summons, but shall not include the amount of any check or warrant which has been drawn and signed at the time of the service of garnishment summons.

Sec. 25. That section 42-352, Revised Statutes Supplement, 1983, be amended to read as follows:

42-352. ~~A proceeding under sections 42- 347 to 42- 379 shall be commenced by filing a petition in the district court. Summons shall be served upon the other party to the marriage by personal service or in the manner provided in section 25- 517.02.~~ A proceeding under sections 42- 347 to 42- 379 shall be commenced by filing a petition in the district court. Summons shall be served upon the other party to the marriage by personal service or in the manner provided in section 25- 517.02.

Sec. 28. That section 42-364.04, Revised Statutes Supplement, 1983, be amended to read as follows:

42-364.04. Service of the documents required by the provisions of section 42-364.03 shall be made in the manner provided for service of a summons in a civil action, except that certified mail service may not be used.".

2. On page 20, line 10, after "1943," insert "section 25-1012.02, Revised Statutes Supplement, 1982,"; and in line 11 before "42-358.02" insert "25-502.01, 25-505.01, 25-821, 25-1011, 42-352," and after "42-358.02," insert "42-364.04,".

3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1106. Placed on Select File as amended.
E & R amendments to LB 1106:
AM5401

1. The first Lamb amendment adopted March 20, 1984, was to the Standing Committee amendments, AM2257.

2. In the Schmit and Landis amendment, AM2432, adopted March 20, 1984:

a. Renumber sections 47, 48, and 49 as

sections 48, 49, and 47, respectively;

b. On page 5, line 21, after "funds" insert an underscored comma;

c. On page 6, line 13, after "insurance" insert an underscored comma;

d. On page 13, line 3, strike the second "to";

e. On page 15, line 12, strike the comma and insert "and"; and in line 23 strike the comma;

f. On page 16, line 25, strike the comma; and

g. On page 17, line 8, strike "other".

3. In the Standing Committee amendments, AM2257, adopted March 20, 1984:

a. On page 3, line 24, after "the" insert "Nebraska";

b. On page 8, line 14, strike "and" and insert "or";

c. On page 13, line 7, after "state" insert "(1)"; in line 20 reinstate the stricken "and"; in line 21 after "and" insert "(2)"; in line 23 strike "37 of" and insert "46- 673.01"; and in line 24 strike "this act";

d. On page 14, line 17, strike "37 of this act" and insert "46- 673.01"; and in line 21 after "divisions" insert an underscored comma;

e. On page 19, line 17, strike the comma and show as stricken;

f. On page 24, line 13, strike "34" and insert "35";

g. On page 30, line 17, strike "to" and show as stricken;

h. On page 33, line 3, strike the comma and show as stricken; and

i. On page 37, lines 14 and 18, strike "January 1" and insert "February 15".

4. On page 1, line 2, after the first comma insert "2-3263,"; in line 4 strike "46-204," and insert "2-3283, 2-3286 to 2-3289,"; in line 7 after "state" insert "and restate"; in line 11 after "fund" insert "and provide for its use"; strike beginning with "to" in line 14 through the semicolon in line 15 and insert "to provide limitations; to provide for certain financial assistance; to change provisions relating to the state water planning and review process;"; and in line 16 after the second semicolon insert "to appropriate funds;".

5. On page 2, line 1, after the semicolon insert "to adopt the Nebraska Water Project Revenue Bonding Act; to eliminate an advisory board; to provide an operative date;".

LEGISLATIVE BILL 891. Placed on Select File as amended.
E & R amendment to LB 891:

AM5402

1. In the Standing Committee amendments, AM1944, on page 1, line 7, after "public" insert an underscored comma.

LEGISLATIVE BILL 1117. Placed on Select File as amended.
E & R amendments to LB 1117:
AM5403

1. In the Beutler amendment adopted March 20, 1984, found on page 1696 of the Journal, on page 1, line 3, strike "of interest"; in line 8 after "negligence" insert a comma; in line 15 after the first comma insert "line 7, strike the second 'and' and insert a comma; and in"; in line 17 insert a comma before "and"; and in line 22 strike "nor as authority" and insert "or as an authorization".
2. In the Hannibal amendment adopted March 20, 1984, strike "and show as stricken" throughout the amendment.
3. In the Standing Committee amendments, AM1983, adopted March 2, 1984, on page 1, after line 19 insert:
"5. Renumber the remaining sections accordingly.".
4. On page 3, lines 16 and 20, after "Business" insert "Development".
5. On page 5, line 15, strike "shall have" and insert "has".
6. On page 13, line 22, strike "shall find" and insert "finds".
7. On page 15, line 1, strike "shall consider" and insert "considers"; in line 9 insert paragraphing before "Such"; and in line 15 strike the comma.
8. On page 16, line 7, strike "shall determine" and insert "determines".

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 457. Mr. Beutler offered the following amendment:
To amend the Wesely amendment on page 4, line 13 as follows:
On page 3, line 11 change the word "five" to the word "twenty"

The Chair declared the Call raised.

The Beutler amendment was adopted with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:
To amend Wesely Amendments to LB 457 (AM 2331) as follows:

1. On page 8, line 18, strike beginning with "five" through "half", show the old matter as stricken, and insert "four and one half".
2. On page 9, line 6, strike beginning with "five" through "half", show the old matter as stricken, and insert "four and one half"
3. On page 11, line 6, after the word "to" insert the words "one half of"
4. On page 3, lines 18 and 19; on page 4, line 2, on page 5, lines 22 and 23, and page 6, lines 13 and 14 and 16; reinstate the stricken language.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Beutler amendment lost with 12 ayes, 21 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 38 ayes, 4 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 457A. Title read. Considered.

Mr. Wesely offered the following amendment:
PURPOSE: Technical amendment to correct a fund source error.
AMENDMENT:
On page 2, lines 2 and 4, strike "School Expense" and insert "General".

The Wesely amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendment to LB 255 in the Journal. No objections. So ordered.

AM2612

1. On page 2, in lines 1 and 2 strike "five million" and insert "eight hundred thousand".

RESOLUTION

LEGISLATIVE RESOLUTION 312.

Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this study is to ascertain the availability of affordable agricultural credit to beginning farmers and ranchers for land, equipment and operating expenses. The study should analyze the trends in agricultural ownership and determine the desirability and feasibility of a public program encouraging alternative structures in agribusiness for beginning operators, such as share-leasing farm or ranch land. The possibility of a tax credit system for beginning operators or those who share-lease to them should be thoroughly examined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the legislature be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 913. Title read. Considered.

Standing Committee amendments, AM2105, found in the Journal on page 1151 for the Thirty-Fourth Day lost with 9 ayes, 20 nays, 17 present and not voting, and 3 excused and not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1027. Title read. Considered.

Standing Committee amendment, AM2418, found in the Journal on page 1577 for the Forty-Fifth Day was considered.

Mr. DeCamp offered the following amendment to the Standing Committee amendment:

Add the following new section:

"When any acquisition by an out-of-state financial institution or an out-of-state bank holding company shall be approved by the director under Sections 8-1506 to 8-1510, the acquiring institutions shall within 30 days after such approval deposit the sum of $10 million in the State Tort Claims Fund. Such deposit shall be nonrefundable, and shall be used solely to pay claims or judgments against the state resulting from the failure of any financial institution supervised by the State Department of Banking and Finance."

MR. CLARK PRESIDING

The DeCamp amendment lost with 12 ayes, 24 nays, 12 present and not voting, and 1 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment was adopted with 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

Mr. DeCamp moved to suspend Rule 7 Section 3(D) so as to consider AM2590 as an amendment to LB 1027.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. DeCamp requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 19:

Beutler Beyer DeCamp Eret Fenger
Higgins Hoagland Johnson, V. Kilgarin Labedz
Landis Marsh McDonald Newell Pappas
Schmit Von Minden Wesely Withem

Voting in the negative, 21:

Carsten Clark Goll Haberman Harris
Hefner Jacobson Johnson, L. Johnson, R. Kahle
Lamb Lundy Nichol Peterson, H. Peterson, R.
Remmers Rupp Scofield Sieck Vickers
Wagner

Present and not voting, 6:

Abboud Chambers Chronister Hannibal Morehead
Pirsch

Absent and not voting, 1:

Goodrich

Excused and not voting, 2:

Barrett Warner

The DeCamp motion to suspend the rules lost with 19 ayes, 21 nays, 6 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Pending.

The Chair declared the Call raised.

NOTICE OF COMMITTEE HEARING
Judiciary

Governor Appointment Thursday, March 29, 1984 8:45 a.m.
Frank O. Gunter, Director - Dept. of Corrections for the State of Nebr.

(Signed) Chris Beutler, Chairperson

STANDING COMMITTEE REPORT
Miscellaneous Subjects

The Committee on Miscellaneous Subjects desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Dick Davis - NE Arts Council
Lois Roskens - NE Arts Council
Jeanne Smith - NE Arts Council
Hod Kosman - NE Arts Council
Gail Walling Yanney - NE Arts Council
Jerome I. Cohn - NE Arts Council
Wes Voseipka - NE Bingo and Pickle Card Regulatory Commission
John LaMalfa - Ne Bingo and Pickle Card Regulatory Commission

Voting aye: Senators Barrett, Hefner, V. Johnson, Lundy, Newell, and Von Minden. Absent: Senators Fenger and Hannibal.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Schmit, Hefner, and R. Peterson asked unanimous consent to print the following amendment to LB 852 in the Journal. No objections. So ordered.

Strike the original sections and insert the following:

Sec. 1. (1) Each landowner shall, not less than thirty days nor more than forty-five days prior to commencement of construction of a tile drain, give public notice of such construction in one or more newspapers of general circulation in each county located within one mile of the construction site, except that this section shall not apply to land located within the zoning jurisdiction of an incorporated municipality.

(2) Any person violating the provisions of subsection (1) of this section shall be guilty of a Class V misdemeanor.

Mr. Vickers asked unanimous consent to print the following amendment to LB 930 in the Journal. No objections. So ordered.

AM2607

1. Strike the Standing Committee Amendments and all amendments thereto.

2. On page 3, line 5, strike the comma and after "shown" insert "under the secondary column"; in line 8 after the comma insert "and when necessary, adjustments shall be made to reflect such expenses for grades nine through twelve"; in line 9 strike "79- 1332" and insert "79- 1334"; and in line 22 after "of" insert "nonresident".

3. On page 4, line 11, strike "capilatization" and insert "facility rental".

4. On page 5, line 8, strike "and"; in line 14 strike the period and insert "pursuant to section 43- 660; and (f)"; in line 15 after "such" insert "total"; and strike beginning with "county" in line 15 through line 17 and insert "receiving district which may reduce such charge to any amount decided by the receiving district's school board or board of education, except that such amount shall not be less than the per pupil cost in the district as stated in the immediately preceding annual term finance report on file with the State Department of Education. The superintendent of the receiving district shall certify the nonresident high school tuition charge to the county superintendent for transmittal to the county treasurer and each receiving district on or before March 31 of each year.".

Mr. Vickers asked unanimous consent to print the following amendment to LB 286 in the Journal. No objections. So ordered.

AM2608
(Amendments to the Final Reading Copy)

1. On page 1, line 1, strike "section" and insert "sections" and after "79-445" insert "and 79-4,102"; and in line 3 after "to" insert "computation and".

2. Insert the following new section:

"Sec. 2. That section 79-4,102, Revised Statutes Supplement, 1982, be amended to read as follows:

79-4,102. (1) The county superintendent of each county in which a Class VI school is not maintained shall, within thirty days after the annual meeting, certify to the county board of supervisors or commissioners the number of qualified pupils whose parents or guardians have applied to the county superintendent for nonresident high school tuition privileges or special education requirements and a list of school districts and servicing agencies for handicapped pupils which have been approved by the State Board of Education as schools or service agencies qualified to grant nonresident public high school education or special education programs to nonresident pupils under the provisions of sections 79-494 to 79-4,106 for nonhandicapped pupils and under the provisions of sections 43-606 and 43-646~~,~~ for handicapped high school age pupils.

(2) The high school tuition rate for nonresident pupils shall be determined annually by the ~~receiving district~~ finance division of the State Department of Education on a uniform taxation basis for the support of the high school program of the receiving district. Based on data provided to the State Department of Education pursuant to the requirements of sections 79-451, 79-1331, and 79-1333.02, data identifying the residence of enrolled nonresident students provided by the county superintendents, and such other data necessary to complete the calculations required by this section, the high school tuition charge shall be determined as follows:

(a) The total current expense of the receiving district as shown under the secondary column on the most recent annual term summary report on file with the State Department of Education, for operations supporting the program in grades nine through twelve only, and when necessary, adjustments shall be made to reflect such expenses for grades nine through twelve, based on the weighted values per grade level established in section 79-1334, shall be determined

;(b) A combined valuation tax base shall be established from data on file with the county assessors and the Department of Revenue, based on the sum of the total current valuation of the receiving district and a proportionate share of the current valuation of all Class I school districts not a part of any Class VI school district in each county where nonresident students registered to attend the receiving district for the ensuing school year reside. The receiving district's proportionate share of Class I district valuation shall be determined by multiplying the total current valuation of Class I districts not a part of any Class VI district in each county times a ratio equal to the total number of nonresident students from each such county who have registered to attend the receiving district for the immediately preceding five-year period for which enrollment data is available compared to the total number of nonresident students who have registered in each such county for the immediately preceding five-year period

(c) The receiving district's proportionate share of Class I valuation, determined in subdivision (b) of this subsection, shall be divided by the combined valuation tax base, determined in subdivision (b) of this subsection, to derive a percentage. Such percentage shall be multiplied by the total current expense figure of the receiving district, determined in subdivision (a) of the subsection, to arrive at a figure representing the nonresident students' unadjusted share of operational expense. To such share shall be added a facility rental charge equal to ten per cent of the insurable or present value of the school plant and equipment used in support of the program operated in grades nine through twelve multiplied by the per cent equal to the number of nonresident students who have registered to attend the receiving district for the immediately preceding five- year period for which enrollment data is available divided by the total enrollment of the receiving district in grades nine through twelve for such five- year period

(d) The total current charge for nonresident high school students, determined in subdivision (c) of this section, shall be adjusted to reflect increasing or decreasing costs. The total current charge for nonresident students shall be multiplied by the annual cost of education index to be established by the State Department of Education. Such index shall be based on the average of the annual increases and decreases in the total disbursements in support of the operation of the public schools during the immediately preceding five- year period for which such information is available. The cost of education index shall be computed annually pursuant to guidelines established in the rules and regulations adopted and promulgated by the State Board of Education

(e) There shall be added to the adjusted nonresident tuition charge, determined in subdivision (d) of this subsection, an additional service charge for handicapped pupils as provided by the rules and regulations adopted and promulgated by the State Board of Education pursuant to section 43- 660 and

(f) The State Department of Education shall certify such total high school tuition charge to the receiving district which may reduce such charge to any amount decided by the receiving district's school board or board of education, except that such amount shall not be less than the per pupil cost in the district as stated in the immediately preceding annual term finance report on file with the State Department of Education. The superintendent of the receiving district shall certify the nonresident high school tuition charge to the county superintendent for transmittal to the county treasurer and each receiving district on or before March 31 of each year.~~(a) The calculation shall take from the most current annual term finance report of the receiving district on file with the State Department of Education the total current expense listed on line 294 under the secondary column and, when necessary, adjustments shall be made to reflect such expense for grades nine through twelve only, plus ten per cent depreciation listed on line 470 under the secondary column. (b) Such figure shall be divided by an amount equal to the most current total valuation on record with the county clerk of the receiving district plus the valuation determined by multiplying the most current valuation on record with the county clerk of all Class I school districts, not part of any Class VI district, in the county times a ratio equal to the number of students from the county registered to attend the receiving district for the ensuing year to the total number of nonresident students registered in the county for the ensuing year. (c) The figure resulting from dividing the expenses in subdivision (a) of this subsection by the total valuation in subdivision (b) of this subsection shall determine a levy to be assessed against such total valuation determined in subdivision (b) of this subsection for the operation of the secondary level program.~~

~~The levy determined shall be multiplied by the proportion of the total valuation of the Class I school districts of each county served by the receiving district to determine the dollars to be raised by the Class I districts and the product of such computation shall be divided by the total number of nonresident pupils registered to attend the receiving district to determine the per pupil rate for nonhandicapped pupils. The rate to be certified by the receiving district for the ensuing school year may be any amount decided by the receiving board but not less than the per pupil cost and shall not exceed one hundred twenty-five per cent of the computed rate determined by this section. There shall be added to the certified rate an additional service rate for handicapped pupils as provided by the rules and regulations adopted and promulgated by the State Board of Education. The superintendent of the receiving school shall certify such high school tuition rate for nonresident pupils to the county superintendent on or before the second Monday of July in each year.~~

(3) Any taxpayer may appeal from the action of the county board of equalization in resident high school tuition in the manner provided in sections 77-1606 to 77-1610. The county treasurer, the county superintendent, and each school district receiving funds from the nonresident high school tuition affected by the

appeal shall be necessary parties. If the taxpayer alleges that the levy for nonresident high school tuition is for an unlawful or unnecessary purpose or in excess of the requirements of the school district fixing nonresident high school tuition, such appeal shall not in any manner suspend the collection of any tax~~,~~ nor the duties of the officers relating to such tax collection while such appeal is pending. Notwithstanding the provisions of section 77-1606, such appeal shall not suspend or stay in any manner the distribution of nonresident high school tuition funds.

(4) A taxpayer initiating an appeal may, as a part of such appeal and without instituting a separate action, apply to the court for injunctive relief pursuant to the provisions of sections 25-1062 to 25-1080 to stay or suspend the distribution of nonresident high school tuition funds while the appeal is pending. If an appeal is brought under this subsection and the court orders the taxpayer to give security, such security shall be an amount sufficient to secure the party enjoined and any other necessary party the damages he, she, or it may sustain, if the court decides that the injunction was wrongfully granted.".

3. On page 3, line 24, strike "2" and insert "3", strike "section" and insert "sections", and after "79-445" insert "and 79-4,102"; and in line 25 strike "is" and insert "are".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

(AMENDMENTS TO STANDING COMMITTEE AMENDMENTS)

1. After page 3, line 23, add the following new subsection:

"(5) An optometrist who is certified to use topical ocular pharmaceutical agents for treatment purposes under subdivision (3) of section 71-1,133, shall possess and use the highest degree of care, skill, and knowledge possessed and used under like circumstances by licensed physicians treating conditions of the human eye or lid in the same or similar localities."

2. After page 3, line 23, add the following new subsection:

"An optometrist who is certified to use topical ocular pharmaceutical agents for treatment purposes under subsection (3) of section 71-1,133, shall file with the director proof that such optometrist is insured by a policy of professional liability insurance in a company authorized to do business in Nebraska in the amount of at least five hundred thousand dollars per occurrence and an aggregate limit of at least one million dollars for all occurrences or claims made in any policy year."

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 762. Placed on Select File as amended.
E & R amendments to LB 762:
AM5404

1. In lieu of the third and fourth Beutler amendments adopted on March 20, 1984, found on page 1700 of the Journal, in the Standing Committee amendments, AM1972, on page 9, line 15, strike "two years" and insert "one year"; in line 16 strike "the; and in line 17 strike "chairperson" and insert "a majority of the members".

2. In the second Beutler amendment adopted March 20, 1984, found on pages 1699 and 1700 of the Journal, add underscoring to all matter in quotation marks.

3. In lieu of the first Beutler amendment adopted March 20, 1984, found on page 1699 of the Journal, in the Standing Committee amendments, AM1972, on page 2, line 14, strike the comma, show as stricken, and insert an underscored period; and strike line 15 and show as stricken.

4. In the Standing Committee amendments, AM1972, adopted March 20, 1984:

a. On page 3, line 13, after "section" insert an underscored comma; and in line 26 after "waived" insert an underscored comma;

b. On page 5, line 22, strike "remaining" and insert "other";

c. On page 9, line 10, strike "is" and insert "shall be"; and in line 24 strike "ceases and insert "shall cease";

d. On page 11, line 5, strike the comma; and

e. On page 12, line 7, strike the comma; in line 10 strike "constitutes" and insert "shall constitute"; and in line 17 strike "is" and insert "shall be".

5. On page 1, strike beginning with "extend" in line 3 through the semicolon in line 7 and insert "redefine a term; to change certain notice requirements; to provide for regulatory analyses of proposed rules as prescribed; to provide requirements for adopted rules; to authorize requests for rule-making proceedings; to require rule-making records; to provide powers and duties; to harmonize provisions;".

LEGISLATIVE BILL 1078. Placed on Select File as amended.
E & R amendments to LB 1078:
AM5405

1. On page 1, line 5, strike "81-1505.01," and insert "and" and strike "and 81-1531.02,"; in line 6 strike "a"; in line 7 strike "term" and insert "terms"; in line 9 strike "additional" and insert "and change"; strike beginning with "to" in line 11 through the

semicolon in line 12; in line 12 after “provide” insert “and change”; and in line 13 strike “extend a moratorium” and insert “harmonize provisions”.

2. On page 19, line 22, strike “subdivision” and insert “subdivisions”.

LEGISLATIVE BILL 807. Placed on Select File as amended.
E & R amendment to LB 807:
AM5406

1. On page 1, strike beginning with “filing” in line 1 through line 6 and insert “secured transactions; to amend section 9-414, Uniform Commercial Code, as amended by section 12, Legislative Bill 808, Eighty-eighth Legislature, Second Session, 1984; to change provisions relating to certain filings; and to repeal the original section.”.

LEGISLATIVE BILL 667. Placed on Select File as amended.
E & R amendments to LB 667:
AM5407

1. In the Standing Committee amendments, AM2370, adopted March 20, 1984, on page 1, line 3, after “probation” insert a comma; and in line 14 strike the second comma.

2. On page 1, line 1, strike “the cost of incarceration” and insert “criminal procedure”; and in line 3 strike “prisoners” and insert “certain defendants”.

3. On page 3, line 16, strike “The” and insert “For purposes of this section, the”; in line 19 strike “, the”; in line 20 strike “defendant’s”; in line 21 strike “Present” and insert “The defendant’s present”; and in line 24 strike “Reasonably” and insert The defendant’s reasonably”.

4. On page 4, line 2, strike “Likelihood” and insert “The likelihood”; and in line 12 strike “an” and insert “a”.

LEGISLATIVE BILL 803. Placed on Select File as amended.
E & R amendments to LB 803:
AM5408

1. On page 1, line 5, after the semicolon insert “to provide an operative date;”.

2. On page 3, line 12, strike the comma and show as stricken.

3. On page 4, line 25, after “quashed” insert an underscored comma; and in line 27 strike the comma and show as stricken.

4. On page 5, line 1, strike “and”, show as stricken, and insert “to”; in line 2 strike “or” and insert “, and to”, strike “deliver the” and show as stricken, and strike “new”; and strike beginning with

"key" in line 3 through "shall" in line 8 and show the old matter as stricken.

5. In the Standing Committee amendments, AM2369, on page 1, line 18, after "lists" insert an underscored comma.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORT
Public Works

The Committee on Public Works desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

James D. Keenan - Nebraska State Highway Commission
Paul M. Landow - Nebraska State Highway Commission
George A. Miles - Nebraska State Highway Commission
Joseph W. McNamara, Jr. - Board of Public Roads Classification and Standards
Blase J. Cupich - Board of Public Roads Classification and Standards
Donald Swing - Board of Public Roads Classification and Standards
R. Doyle Hanson - Board of Public Roads Classification and Standards
Merlin E. Lindahl - Board of Public Roads Classification and Standards
James H. Suttle - Board of Public Roads Classification and Standards
Darrel Elmer Berg - Board of Public Roads Classification and Standards

Voting aye: Senators Schmit, Beyer, Clark, DeCamp, Harris, Lamb, and Withem. Absent: Senator Hoagland.

(Signed) Loran Schmit, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 711. Placed on Select File as amended.
E & R amendments to LB 711:
AM5409

1. In the Standing Committee amendment, AM1827, adopted March 20, 1984, on page 1, lines 2 and 3, strike "applicant" and insert "licensee; in line 3 strike "organ" and insert "anatomical gift"; and in line 4 strike "donation".

2. On page 1, line 3, after "provide" insert "for"; and in line 4 after the semicolon insert "to eliminate a decal provision;".

3. On page 2, line 21, after "state" insert "investment".

4. On page 3, line 9, strike "organ donor" and insert "anatomical gift"; in line 10 strike "organ donor"; in line 14 after "body" insert "organs or"; and in line 21 strike "donor" and insert "anatomical gift".

5. On page 4, line 4, strike "a donation" and insert "an anatomical gift".

LEGISLATIVE BILL 711A. Placed on Select File.

LEGISLATIVE BILL 890. Placed on Select File as amended.
E & R amendments to LB 890:
AM5410

1. On page 8, lines 8 and 11, strike the commas.
2. On page 9, line 15, strike "allocataed" and insert "allocated".

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1027. Messrs. DeCamp and H. Peterson offered the following amendment:

(As amended on p 1577 of the Journal)

1. On p 5, line 26, delete "contiguous to" and add "outside".
2. On p 6, line 3, delete "contiguous to" and add "outside".
3. On p 7, line 23, delete the comma and add a period; delete lines 24-26.
4. On p 8, delete lines 1-3 and that material on p 4 to the period.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler requested a division of the question on the DeCamp-H. Peterson amendment.

The Chair sustained the division of the question.

The first DeCamp-H. Peterson amendment is as follows:

1. On p 5, line 26, delete "contiguous to" and add "outside".
2. On p 6, line 3, delete "contiguous to" and add "outside".

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

The first DeCamp-H. Peterson amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The second DeCamp-H. Peterson amendment is as follows:

3. On p 7, line 23, delete the comma and add a period; delete lines 24-26.
4. On p 8, delete lines 1-3 and that material on p 4 to the period.

Mr. DeCamp asked unanimous consent to withdraw the pending second amendment. No objections. So ordered.

Mr. DeCamp offered the following amendment:
Amendment to LB 1027
(p 1577 et seq)
On p 8, line 2, delete "twenty-"

Mr. DeCamp moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 11:

DeCamp
Haberman
Johnson, L.
Marsh
Newell
Nichol
Pappas
Peterson, H.
Schmit
Von Minden
Wesely

Voting in the negative, 31:

Barrett
Beutler
Carsten
Chambers
Clark
Eret
Fenger
Goll
Hannibal
Harris
Hefner
Hoagland
Jacobson
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
McDonald
Morehead
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Wagner
Withem

Present and not voting, 4:

Beyer
Chronister
Goodrich
Higgins

Excused and not voting, 3:

Abboud
Johnson, R.
Warner

The DeCamp amendment lost with 11 ayes, 31 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler
Carsten
DeCamp
Eret
Hannibal
Harris
Hoagland
Jacobson
Johnson, L.
Johnson, V.

Kilgarin Labedz Lamb Landis Marsh
McDonald Newell Nichol Peterson, H. Rupp
Schmit Sieck Vickers Wagner Wesely

Voting in the negative, 19:

Barrett Beyer Chambers Clark Fenger
Goll Goodrich Haberman Hefner Higgins
Kahle Lundy Morehead Pappas Peterson, R.
Pirsch Remmers Von Minden Withem

Present and not voting, 2:

Chronister Scofield

Excused and not voting, 3:

Abboud Johnson, R. Warner

Advanced to E & R for Review with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 892 in the Journal. No objections. So ordered.

AM2598

1. Insert new sections as follows:

"Sec. 4. That section 77-2734, Revised Statutes Supplement, 1983, be amended to read as follows:

77-2734. (1) A tax is hereby imposed for each taxable year on the taxable income derived from sources within this state of any corporation or any other entity taxed as a corporation under the Internal Revenue Code whose business within this state during the taxable year consists exclusively of foreign commerce, interstate commerce, or both, at a rate equal to ~~twenty-five~~ twenty-eight per cent of the rate imposed on individuals under section 77-2715 on the first fifty thousand dollars of taxable income, and at the rate of ~~thirty-five~~ forty per cent of such rate on all taxable income in excess of fifty thousand dollars. For any taxpayer subject to this section whose fiscal year does not coincide with the calendar year, the rate initially set shall also apply for the period from January 1, 1968, to the last day of its then current fiscal year.

(2) Except as provided in subsection (1) of this section, for the privilege of exercising its

franchise or doing business in this state in a corporate capacity, there is hereby imposed a franchise tax on each corporation or any other entity taxed as a corporation under the Internal Revenue Code according to or measured by its entire net income derived from all sources within this state for the taxable year at the rates imposed under subsection (1) of this section. For the purposes of this subsection the taxpayer's entire net income shall be its federal taxable income derived from sources within this state as determined pursuant to sections 77-2735 to 77-2749, the State of Nebraska hereby adopting method numbered (4) authorized by section 5219, United States Revised Statutes, as amended, 12 USC 548, for state taxation of national banking associations. The tax imposed by this subsection on national banking associations shall be in lieu of all taxes imposed by this state on national banking associations to the extent it is not permissible to tax such associations under federal law. For the purpose of computing the franchise or income tax levied in this section, the net income of cooperative organizations shall be the entire net income derived from all sources within this state, excluding distributions of earnings and profits of the cooperative to members or patrons such as dividends paid on capital stock, nonpatronage income allocated to patrons, or patronage dividends attributable to this state as shall be excludable or deductible by such corporation for federal income tax purposes. All provisions of sections 77-2714 to 77-27,124 relating to taxation of corporations shall apply to franchise taxes or income taxes imposed under this section unless the context requires otherwise.

Any (a) corporation subject to tax under section 44-1213, 77-908, 77-909, or 81-523, (b) corporations organized as cooperatives under Chapter 21, article 13, (c) electric cooperatives organized under Chapter 70, article 7, (d) nonstock cooperative marketing companies organized under Chapter 21, article 14, (e) savings and loan associations, (f) production credit associations, (g) persons licensed to engage in this state in the business of purchasing installment paper, (h) installment loan companies, (i) credit unions, (j) mutual investment companies, (k) banks for cooperatives, and (l) industrial loan and investment companies shall be credited, in the computation of tax due under the provisions of this section, with the amount paid during the taxable year as taxes in lieu of intangible tax.

(3)(a) A small business corporation having an election in effect under subchapter S of the Internal Revenue Code shall not be subject to the Nebraska income tax or franchise tax on corporations.

(b) The shareholders of such corporation who are residents of Nebraska shall include in their incomes their proportionate share of such corporation's federal taxable income.

(c) If any shareholder of such corporation is a nonresident during any part of the corporation's taxable year, he or she shall file a Nebraska income tax return and shall include in Nebraska adjusted gross income that portion of the corporation's Nebraska income, as determined under the provisions of sections 77-2735 to 77-2749, allocable to his or her interest in the corporation. He or she shall execute and forward to the corporation, before the original due date of the Nebraska corporate return, an agreement which states that he or she will file a Nebraska income tax return and pay income tax on all income derived from or connected with sources in this state, and such agreement shall be attached to the corporation's Nebraska return for such taxable year.

(d) In the absence of the nonresident shareholder's executed agreement being attached to the Nebraska corporate return, the corporation shall remit a portion of his or her share of the corporation's taxable income which was derived from or attributable to this state, which portion shall be ten per cent of the nonresident shareholder's share of the corporation's income which was derived from or attributable to sources within this state.

(e) The Tax Commissioner may require a nonresident shareholder to file a Nebraska income tax return even though his or her only source of Nebraska income was his or her share of the corporation's income which was derived from or attributable to sources within this state, and the amount of remittance by the corporation on behalf of such nonresident shareholder shall be allowed as a credit against his or her Nebraska income tax liability.

Sec. 7. That original section 77-2734, Revised Statutes Supplement, 1983, is repealed.".

2. In the Standing Committee amendments, on page 1, line 9, strike "Section 1" and insert "Sections 1, 4, and 7"; and in line 16 strike "5" and insert "6".

3. Strike Standing Committee amendment 3.

4. Renumber the remaining sections accordingly.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 845 in the Journal. No objections. So ordered.

AM2615

1. On page 14, line 6, after "established"

insert "or the parties to the proceedings may be referred to mediation services offered by the conciliation court"; and in line 14 after "counseling" insert ", other than mediation services offered by a conciliation court,".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 820, 976A, and 985.

Correctly Engrossed

The following bill was correctly engrossed: 908.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 820 (Final Reading)

The following changes, required to be reported for publication in the Journal, have been made:
ER0214
1. On page 1, line 4, "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 908

The following changes, required to be reported for publication in the Journal, have been made:
ER0213
1. In the Goodrich and Wagner amendment, AM2507, adopted March 21, 1984:
a. On page 2, line 1, "estate" has been struck, shown as stricken, and " property " inserted, and the comma has been reinstated; and in line 22 "school district" has been inserted after "III", "VI", and "I:, and "Class" has been inserted after the first comma;
b. On page 3, line 21, the comma has been struck;
c. On page 5, line 21, the paragraphing has been removed before "If"; and
d. On page 6, line 10, " their " has been struck and "its" inserted; and in line 21 the comma has been struck.

2. On page 1, the matter beginning with "to" in line 2 through the semicolon in line 3 has been struck.

Enrollment and Review Change to LB 985

The following changes, required to be reported for publication in the Journal, have been made:
ER0208

1. Underscoring has been inserted in the Beutler amendment adopted March 21, 1984, as appropriate.
2. On page 1, line 3, "create" has been struck and "provide for the creation of" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 1060. Title read. Considered.

Standing Committee amendments, AM2154, found in the Journal on page 1193 for the Thirty-Sixth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 31 ayes, 1 nay, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1124. Title read. Considered.

Standing Committee amendments, AM2080, found in the Journal on page 1128 for the Thirty-Third day were considered.

Mr. Carsten renewed his pending amendment, AM2606, found in this day's Journal to the Standing Committee amendments.

Mr. Hannibal requested a division of the question on the Carsten amendment.

The Chair sustained the division of the question.

The first Carsten amendment to the Standing Committee amendment is as follows:

1. On page 1, line 1, strike "20" and insert "13, 20,"; and in line 3 strike "19" and insert "18".

2. On page 2, line 7, before the semicolon insert "and strike 'corporation' and insert 'or more corporations'; in line 12 strike 'all or a part' and insert 'fifty per cent or more' "; in line 10 strike "line 18," and insert "line 6, after the underscored period insert 'A corporation using a formula required by a regulation issued pursuant to subsection (3) of section 18 of this act is using a formula based on property, payroll, and sales.'; in line 18"; in line 16 strike the second "and"; in line 17 before the period insert "; in line 22 strike '19' and insert '18"; and strike beginning with 'be' in line 24 through line 27" and in line 18 strike "line 15," and insert "strike line

1 and insert ‘include the income from intangibles such as interest, royalties, or dividends and the net income from gains on the sale of intangibles;’; in line 2 strike ‘The’ and insert ‘Except as provided in subdivision (1) of this section, the’; in line 15”.

3. Insert new amendments as follows:

“5. On page 6, after line 10 insert a new subsection as follows:

‘(7) There shall be subtracted from federal taxable income (a) dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code, and

7. On page 8, line 5, strike ‘19’ and insert ’18’.

8. On page 9, line 21, strike ‘No’ and insert ’Except as provided in subsection (7) of section 77- 2716, no’; and in line 23 after ‘income’ insert ‘. An election to file a federal consolidated return will not require the inclusion in any unitary group of a corporation that is not a part of the unitary business’.

11. On page 12, line 2, strike ‘sections 12 and 13’ and insert ‘section 12’; strike lines 13 and insert ‘claimed the same income is part of the unitary business and subject to apportionment in another state with substantially the same law on apportionability of income.’; and in line 18 after ‘reduced’ insert ‘, but not below zero,’.

16. On page 20, line 2, strike ‘18’ and insert ‘17’; in line 22 after the second ‘the’ insert ‘property, payroll, and sales factors of the’; and in line 24 strike ‘factor computation’ and insert ‘taxation’.”.

4. Renumber remaining amendments accordingly.

Messrs. Barrett and Haberman asked unanimous consent to be excused. No objections. So ordered.

The first Carsten amendment to the Standing Committee amendment was adopted with 30 ayes, 3 nays, 12 present and not voting, and 4 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

The second Carsten amendment to the Standing Committee amendment is as follows:

(b) foreign income taxes paid which the corporation elected to take as a credit on its federal income tax return and which are not included within dividends deemed to be received under subdivision (a) of this subsection, but such deduction shall not exceed the foreign taxes actually paid or accrued or deemed to have been paid or accrued for the taxable year.’; and in line 22 strike ‘19’ and insert ‘18’.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?"

Mr. Hoagland moved for a Call of the House. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Newell requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Beutler
Beyer
Carsten
Chronister
Clark
Eret
Goll
Goodrich
Harris
Hefner
Hoagland
Jacobson
Johnson, L.
Kahle
Lamb
Landis
Lundy
Marsh
Nichol
Peterson, H.
Peterson, R.
Rupp
Sieck
Vickers
Von Minden
Warner
Withem

Voting in the negative, 15:

Fenger
Hannibal
Higgins
Johnson, V.
Kilgarin
Labedz
Morehead
Newell
Pappas
Pirsch
Remmers
Schmit
Scofield
Wagner
Wesely

Present and not voting, 2:

Chambers
McDonald

Excused and not voting, 5:

Abboud
Barrett
DeCamp
Haberman
Johnson, R.

The motion to cease debate prevailed with 27 ayes, 15 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Hefner requested a roll call vote on the second Carsten amendment.

Voting in the affirmative, 19:

Beyer
Carsten
Chronister
Clark
Fenger
Goll
Goodrich
Hefner
Jacobson
Johnson, L.
Kahle
Lamb
Morehead
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Von Minden

Voting in the negative, 25:

Beutler
Chambers
Eret
Hannibal
Harris
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Newell

Nichol Rupp Schmit Scofield Sieck
Vickers Wagner Warner Wesely Withem

Excused and not voting, 5:

Abboud Barrett DeCamp Haberman Johnson, R.

The second Carsten amendment lost with 19 ayes, 25 nays, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. R. Peterson moved to adjourn until 8:00 a.m. March 27.
The motion lost with 7 ayes, 25 nays, and 17 present and not voting.

The Standing Committee amendments, as amended, were adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Messrs. Fenger, Von Minden, and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM2598, found in the Journal on page 1844. No objections. So ordered.

Mr. Hefner moved to return LB 1124 to Revenue Committee for further study.

Mr. Hefner asked unanimous consent to withdraw his pending motion. No objections. So ordered.

Mr. Landis requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Beutler Beyer Carsten Chambers Eret
Goll Goodrich Hannibal Harris Higgins
Hoagland Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Lundy Marsh McDonald
Morehead Newell Nichol Remmers Rupp
Schmit Scofield Sieck Vickers Wagner
Warner Wesely Withem

Voting in the negative, 7:

Clark Hefner Jacobson Johnson, L. Pappas
Peterson, H. Peterson, R.

Present and not voting, 1:

Chronister

Excused and not voting, 8:

Abboud	Barrett	DeCamp	Fenger	Haberman
Johnson, R.	Pirsch	Von Minden		

Advanced to E & R for Review with 33 ayes, 7 nays, 1 present and not voting, and 8 excused and not voting.

Mr. H. Peterson asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 845 in the Journal. No objections. So ordered.

AM2627

1. Insert the following new sections:

"Sec. 20. That section 25-502.01, Revised Statutes Supplement, 1983, be amended to read as follows:

25-502.01. The plaintiff shall file with the clerk of the court a praecipe for summons stating the name and address of each party to be served and the manner of service for each party. Upon written request of the plaintiff, separate or additional summonses shall be issued.

Sec. 21. That section 25-505.01, Revised Statutes Supplement, 1983, be amended to read as follows:

25-505.01. (1) Unless otherwise limited by statute or by the court, a plaintiff may elect to have service made by any of the following methods:

(a) ~~(1)~~ Personal service which shall be made by leaving the summons with the individual to be served;

(b) ~~(2)~~ Residence service which shall be made by leaving the summons at the usual place of residence of the individual to be served, with some person of suitable age and discretion residing therein; or

(c) ~~(3)~~ Certified mail service which shall be made by ~~(a)~~ (i) within ten days of issuance, sending the summons to the defendant by certified mail with a return receipt requested showing to whom and where delivered and the date of delivery, and ~~(b)~~ (ii) filing with the court proof of service with the signed receipt attached.

(2) Failure to make service by the method elected by the plaintiff does not affect the validity of the service.

Sec. 22. That section 25-821, Revised Statutes Supplement, 1983, be amended to read as follows:

25-821. The answer or demurrer of the defendant shall be filed within thirty days after service of the summons and petition or completion of service by publication. The reply or demurrer of the plaintiff shall be filed within fifteen days after the filing of the answer.

Sec. 23. That section 25-1011, Revised Statutes Supplement, 1983, be amended to read as follows:

25-1011. The ~~A copy of the~~ summons and order of garnishment and the interrogatories in duplicate shall be served upon the garnishee in the manner provided for service of a summons in a civil action, except that certified mail service may not be used.

Sec. 24. That section 25-1012.02, Revised Statutes Supplement, 1982, be amended to read as follows:

25-1012.02. Such proceedings may be brought against the State of Nebraska or any county, township, municipal corporation, municipally owned corporation, or school district~~,~~ as garnishee defendant, and process ~~served upon the officer, or a representative of such officer, whose duty it is to pay or issue warrants for the payment of the officer or employee whose earnings are sought to be held~~ shall be served in the manner provided for service of a summons in a civil action, except that certified mail service may not be used. It shall be the duty of the garnishee defendant ~~such officer or his or her representative~~ to answer any garnishment summons served ~~upon him or her~~ under the provisions of this section and section 25-1012.01 in the same manner as is now provided by law for the answer of corporations, and such defendant~~officer~~ shall abide the order of the court issuing the garnishment, with regard to paying into court any amount ordered, not in excess of the amount earned by the officer or employee garnished, to the date of the answer. Such defendant ~~The officer whose duty it is to pay or issue warrants for the payment of officers and employees shall not be required to appear and answer such summons in person, but he or she may appear in person to answer such summons or he or she may file his or her answer in writing; or he or she~~ may submit a written answer by United States mail to the clerk of the court issuing the summons. Such answer in garnishment shall in addition to any other matters stated therein state the amount of money due the officer or employee whose earnings are sought to be held to the answer day as shown in such summons, but shall not include the amount of any check or warrant which has been drawn and signed at the time of the service of garnishment summons.

Sec. 25. That section 43-285, Revised Statutes Supplement, 1982, be amended to read as follows:

43-285. In any case when the court shall award a juvenile to the care of the Department of Social Services, an association, or individual, in accordance with the provisions of sections 43-245 to 43-2,129, the juvenile shall, unless otherwise ordered, become a ward and be subject to the guardianship of the department, association, or individual to whose care he or she is committed, which association and Department of Social Services shall have authority by and with the assent of the court to place such a juvenile in a suitable family home or institution. Such guardianship shall not include the guardianship of any estate of the juvenile. Within thirty days after such order, and once every six months thereafter until the juvenile reaches the age of majority, the department, association, or individual shall file with the court a report stating the location of the juvenile's placement and the needs of the juvenile in order to effectuate the purposes of subdivision (1) of section 43-246. When the court shall award a juvenile to the care of the department, an association, or individual, then the department, association, or individual shall have standing as a party to file any pleading or motion, to be heard by the court with regard to such filings, and to be granted any review or relief requested in such filings consistent with Chapter 43, article 2.

Sec. 26. That section 43-294, Revised Statutes Supplement, 1982, be amended to read as follows:

43-294. The custodian appointed by a juvenile court shall have charge of the person of the juvenile and the right to make decisions affecting the person of the juvenile, including medical, dental, surgical, or psychiatric treatment, except that consent to a juvenile marrying or joining the armed forces of the United States may be given by a custodian, other than the Department of Social Services, with approval of the juvenile court, or by the department, as to juveniles in its custody, without further court authority. The authority of a custodian appointed by a juvenile court shall terminate when the individual under legal custody reaches nineteen years of age, is legally adopted, or the authority is terminated by order of the juvenile court. When an adoption has been granted by a court of competent jurisdiction as to any such juvenile, such fact shall be reported immediately by such custodian to the juvenile court. If the adoption is denied the jurisdiction over the juvenile shall immediately revert to the court which authorized placement of the juvenile for adoption. Any association or individual receiving the care or custody of any such juvenile shall be subject to visitation or inspection by the Department of

Social Services, or any probation officer of such court or any person appointed by the court for such purpose, and the court may at any time require from such association or person a report or reports containing such information or statements as the judge shall deem proper or necessary to be fully advised as to the care, maintenance, and moral and physical training of the juvenile, as well as the standing and ability of such association or individual to care for such juvenile. The custodian so appointed by the court shall have standing as a party in that case to file any pleading or motion, to be heard by the court with regard to such filings, and to be granted any review or relief requested in such filings consistent with Chapter 43, article 2.

Sec. 27. That section 42-352, Revised Statutes Supplement, 1983, be amended to read as follows:

42-352. ~~A proceeding under sections 42- 347 to 42- 379 shall be commenced by filing a petition in the district court. Summons shall be served upon the other party to the marriage by personal service or in the manner provided in section 25- 517.02.~~ A proceeding under sections 42- 347 to 42- 379 shall be commenced by filing a petition in the district court. Summons shall be served upon the other party to the marriage by personal service or in the manner provided in section 25- 517.02.

Sec. 31. That section 42-364.04, Revised Statutes Supplement, 1983, be amended to read as follows:

42-364.04. Service of the documents required by the provisions of section 42-364.03 shall be made in the manner provided for service of a summons in a civil action, except that certified mail service may not be used.".

2. On page 19, strike beginning with "The" in line 14 through the period in line 15.

3. On page 20, line 10, after "1943," insert "sections 25-1012.02, 43-285, and 43-294, Revised Statutes Supplement, 1982,"; and in line 11 before "42-358.02" insert "25-502.01, 25-505.01, 25-821, 25-1011, 42-352," and after "42-358.02," insert "42-364.04,".

4. Renumber the remaining sections accordingly.

Mr. Newell asked unanimous consent to print the following amendment to LB 1124 in the Journal. No objections. So ordered.

To strike the Carsten amendment (AM2606) to LB 1124.

GENERAL FILE

LEGISLATIVE BILL 930. Title read. Considered.

Standing Committee amendments, AM2051, found in the Journal on page 1072 for the Thirty-First Day lost with 0 ayes, 23 nays, 17 present and not voting, and 9 excused and not voting.

Mr. Vickers renewed his pending amendment, AM2607, found in this day's Journal.

The Vickers amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Ms. Scofield offered the following amendment:
Page 4, line 12, strike "ten" and insert "five"

The Scofield amendment was adopted with 31 ayes, 1 nay, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 30 ayes, 1 nay, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 930A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

ADJOURNMENT

At 7:05 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 8:00 a.m., Tuesday, March 27, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - MARCH 27, 1984

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 27, 1984

Pursuant to adjournment, the Legislature met at 8:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Reverend James Wallasky, Trinity United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Clark, Hoagland, R. Johnson, V. Johnson, Landis, McDonald, Newell, Rupp, Sieck, Wesely, Mesdames Marsh, Pirsch, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Second Day was approved.

PRESIDENT MCGINLEY PRESIDING

UNANIMOUS CONSENT - Member Excused

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1128. With Emergency.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1984, to

June 30, 1985; to recite limitations on expenditures; to provide for certain transfers; to provide an operative date; to provide severability; to repeal Laws 1983, LB 630, sections 4, 9, 17, 20, 30, 31, 32, and 33, Laws 1983, LB 18A, Laws 1983, LB 19A, Laws 1983, LB 35A, Laws 1983, LB 73A, Laws 1983, LB 118A, Laws 1983, LB 121A, Laws 1983, LB 158A, Laws 1983, LB 199A, Laws 1983, LB 200A, Laws 1983, LB 204A, Laws 1983, LB 210A, Laws 1983, LB 213A, Laws 1983, LB 225A, Laws 1983, LB 234A, Laws 1983, LB 235A, Laws 1983, LB 254A, Laws 1983, LB 259A, Laws 1983, LB 273A, Laws 1983, LB 282A, Laws 1983, LB 302A, Laws 1983, LB 343A, Laws 1983, LB 356A, Laws 1983, LB 410A, Laws 1983, LB 439A, Laws 1983, LB 476A, Laws 1983, LB 539A, Laws 1983, LB 542A, Laws 1983, LB 571A, Laws 1983, LB 573A, Laws 1983, LB 579A, Laws 1983, LB 585A, and Laws 1983, LB 632A; and to declare an emergency.

MOTION - Return LB 1128 to Select File

Mr. Lamb moved to return LB 1128 to Select File for the following specific amendment:

Page 7, line 4 strike 538,434 insert 462,000
line 5 strike 538,434 insert 462,000

Mr. Lamb asked unanimous consent to withdraw his pending motion to return to Select File. No objections. So ordered.

BILL ON FINAL READING

LEGISLATIVE BILL 1128. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Barrett
Beyer
Carsten
Chronister
Eret
Fenger
Goll
Goodrich
Hannibal
Harris
Hefner
Johnson, L.
Johnson, R.
Kahle
Labedz
Lundy
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 7:

Abboud
Beutler
Clark
DeCamp
Haberman

Jacobson Lamb

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Higgins Hoagland Johnson, V. Kilgarin Landis
Marsh McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 313.

Introduced by Goll, 16th District.

WHEREAS, on April 14, 1984, Bancroft, Nebraska will celebrate its One-hundredth birthday.

WHEREAS, Bancroft has been and will continue to be an outstanding community with outstanding citizens.

WHEREAS, a Centennial Celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for founding of a community and it's continued vitality.

WHEREAS, the citizens of Bancroft deserve special recognition for their Centennial Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION

1. That the members of the Legislature recognize and commend the City of Bancroft and its citizens for its Centennial Celebration.
2. That a copy of this Resolution be sent to the Mayor and City Council of the City of Bancroft, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 314.

Introduced by Goll, 16th District.

WHEREAS, on April 28, 1984, Lyons, Nebraska will celebrate its One-hundredth birthday.

WHEREAS, Lyons has been and will continue to be an outstanding community with outstanding citizens.

WHEREAS, a Centennial Celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for founding of a community and it's continued vitality.

WHEREAS, the citizens of Lyons deserve special recognition for their Centennial Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION

1. That the members of the Legislature recognize and commend the City of Lyons and its citizens for its Centennial Celebration.

2. That a copy of this Resolution be sent to the Mayor and City Council of the City of Lyons, Nebraska.

Laid over.

MR. CLARK PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1129. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds; to state intent; to provide for capital construction and capital construction reaffirmations and reappropriations; to repeal certain appropriations; to provide an operative date; to repeal Laws 1983, LB 630, sections 4, 9, 17, 20, 30, 31, 32, and 33, and Laws 1983, LB 410A; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Barrett	Beyer	Carsten	Chronister	Clark
Eret	Fenger	Goll	Goodrich	Haberman
Hannibal	Harris	Hefner	Hoagland	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 4:

Abboud
Beutler
DeCamp
Newell

Present and not voting, 2:

Chambers
Jacobson

Excused and not voting, 3:

Higgins
Johnson, V.
McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 867.

A BILL FOR AN ACT relating to the University of Nebraska; to appropriate funds to aid in constructing certain projects; and to state intent.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Barrett
Beutler
Carsten
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beyer
Chambers

Excused and not voting, 3:

Higgins Johnson, V. McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 880. With Emergency.

A BILL FOR AN ACT relating to group insurance; to amend section 44-1622, Revised Statutes Supplement, 1982, and section 44-1620.01, Revised Statutes Supplement, 1983; to change the amounts of state contributions; to provide powers for the Risk Manager relating to bid specifications; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Barrett Beutler Beyer Carsten Chronister
Eret Fenger Goll Goodrich Haberman
Harris Hefner Hoagland Jacobson Johnson, L.
Johnson, R. Kahle Kilgarin Labedz Landis
Lundy Marsh Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Withem

Voting in the negative, 7:

Abboud Clark DeCamp Hannibal Lamb
Pirsch Wesely

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Higgins Johnson, V. McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 880A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 880, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Barrett Beutler Beyer Carsten Chronister
DeCamp Eret Fenger Goll Goodrich
Haberman Harris Hefner Higgins Hoagland
Johnson, L. Johnson, R. Kahle Kilgarin Labedz
Landis Lundy Marsh Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 6:

Abboud Clark Hannibal Jacobson Lamb
Pirsch

Present and not voting, 2:

Chambers Remmers

Excused and not voting, 2:

Johnson, V. McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 882. With Emergency.

A BILL FOR AN ACT to appropriate funds for the payment of the salaries of the officers of Nebraska State Government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1985; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Withem				

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Johnson, V. McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 883. With Emergency.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1984, to June 30, 1985; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten

Chronister Clark DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Johnson, L. Johnson, R.
Kahle Kilgarin Labedz Lamb Landis
Lundy Marsh Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers Jacobson Morehead

Excused and not voting, 2:

Johnson, V. McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 884. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make deficiency appropriations; to amend Laws 1983, LB 608, section 1, Laws 1983, LB 621, section 1, Laws 1983, LB 628, sections 1, 3 to 5, 9 to 11, 14, 17 to 20, 23, 24, 26, 28, 29, 35, 42, 44, 46, 53, 58, 71, and 79, Laws 1983, LB 630, sections 19 and 38, Laws 1983, LB 121A, section 3, and Laws 1983, LB 210A, section 1; to repeal the original sections; and to declare an emergency.

MOTION - Return LB 884 to Select File

Mrs. Pirsch moved to return LB 884 to Select File for the following specific amendment:

To strike new language page 10 lines 21 and 22.

Mrs. Pirsch asked unanimous consent to withdraw her pending motion to return to Select File. No objections. So ordered.

BILL ON FINAL READING

LEGISLATIVE BILL 884. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Barrett Beyer Carsten Chronister Clark
DeCamp Eret Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Hoagland Jacobson Johnson, L. Johnson, R. Kahle
Kilgarin Labedz Landis Lundy Marsh
Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Rupp Schmit Scofield Sieck
Vickers Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 4:

Abboud Lamb Pirsch Remmers

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 2:

Johnson, V. McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 1034 to Select File

Mrs. Labedz moved to return LB 1034 to Select File for the following specific amendment:
AM2628
(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec. 3. There is hereby appropriated $67,280 from the General Fund to Agency 33, Game and Parks Commission, to Program 336, for the period July 1, 1984, to June 30, 1985, to provide for a $1,000 salary increase to full-time conservation officers of the Game and Parks Commission. It is the intent of the Legislature that this salary increase shall be in addition to any salary increase provided pursuant to section 84, Legislative Bill 1128, Eighty-eighth Legislature, Second Session, 1984, and that these funds shall not be used for any other purpose. An employee shall not receive the full pay increase if such increase takes him or her over the maximum rate for his or her salary grade in effect on July 1, 1984. Total expenditures for permanent and temporary salaries and per diems shall not exceed $60,000 for the period July 1, 1984, to June 30, 1985.".

2. Renumber the remaining section accordingly.

3. On page 1, line 4, after the semicolon insert "to appropriate funds to the Game and Parks Commission for Program 336;".

Mr. Warner requested a ruling of the Chair on whether the Labedz amendment is germane to the bill.

The Chair ruled the amendment not germane.

Mrs. Labedz moved to suspend the rules to suspend Rule 7 Section 3(d) so as to allow consideration of AM2628 to LB 1034.

The Labedz motion to suspend the rules lost with 4 ayes, 29 nays, 14 present and not voting, and 2 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1034. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate additional funds for University of Nebraska Program 715; to appropriate funds to the Supreme Court for Program 660; to provide legislative intent; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Hoagland	Jacobson	Johnson, L.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Present and not voting, 2:

Chambers	Higgins

Excused and not voting, 3:

Johnson, R.	Johnson, V.	McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 1126 to Select File

Mr. DeCamp moved to return LB 1126 to Select File for the following specific amendment:
Strike Section 6.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp requested a roll call vote on his motion to return.

Voting in the affirmative, 10:

Abboud	Clark	DeCamp	Fenger	Jacobson
Lamb	Landis	Pappas	Peterson, R.	Von Minden

Voting in the negative, 34:

Barrett	Beutler	Beyer	Carsten	Chronister
Eret	Goll	Goodrich	Haberman	Hannibal
Harris	Hefner	Higgins	Hoagland	Johnson, L.

Kahle Kilgarin Lundy Marsh McDonald
Morehead Newell Nichol Peterson, H. Pirsch
Remmers Rupp Scofield Sieck Vickers
Wagner Warner Wesely Withem

Present and not voting, 3:

Chambers Labedz Schmit

Excused and not voting, 2:

Johnson, R. Johnson, V.

The DeCamp motion to return lost with 10 ayes, 34 nays, 3 present and not voting, and 2 excused and not voting.

Mr. DeCamp moved to return LB 1126 to Select File for the following specific amendment:
Strike enacting clause.

Mr. DeCamp asked unanimous consent to withdraw his pending motion to return to Select File. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1126. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for economic development initiatives; to appropriate funds to the School Foundation and Equalization Fund; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Barrett Beutler Beyer Carsten Chronister
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Johnson, L. Kahle
Kilgarin Landis Lundy Marsh McDonald
Morehead Newell Nichol Pappas Peterson, H.
Remmers Rupp Scofield Sieck Vickers

Wagner Warner Wesely Withem

Voting in the negative, 10:

Abboud Clark DeCamp Eret Fenger
Jacobson Lamb Peterson, R. Pirsch Von Minden

Present and not voting, 3:

Chambers Labedz Schmit

Excused and not voting, 2:

Johnson, R. Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 852. Considered.

Messrs. Schmit and Hefner asked unanimous consent to withdraw their pending amendment found in the Journal on page 1861. No objections. So ordered.

Messrs. Schmit, Hefner, and R. Peterson renewed their pending amendment found in the Journal on page 1874.

SPEAKER NICHOL PRESIDING

Mr. Hefner moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1128, 1129, 867, 880, 880A, 882, 883, 884, 1034, and 1126.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 112A. By V. Johnson, 8th District

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 112, Eighty-eighth Legislature, Second Session, 1984.

RESOLUTION

LEGISLATIVE RESOLUTION 315.

Introduced by Pappas, 42nd District.

PURPOSE: With the virtual elimination of federal financial support for low-income housing, and the rehabilitation of existing low-income housing, Nebraska will be increasingly expected to provide ways for low-income families to obtain affordable housing.

The purpose of this resolution is to study the possibility of creating a Housing Trust Fund, which would use the interest earned on real estate escrow accounts to provide capital for low and moderate income housing. The study should address the amount of money which might be available to such a fund, the most effective ways of collecting such interest, the persons and firms which now receive such interest, and the possible ways to use this money to provide low-income housing capital.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland, Wesely, and DeCamp asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

AM2623

(Final Reading Copy)

1. On page 5, line 3, after "schools" insert ". The right of schools to elect not to meet state accreditation or approval requirements shall terminate on September 1, 1988".

2. On page 13, line 7, after the period insert "The provisions of subsections (2) to (4) of this section shall terminate on September 1, 1988."; and in line 23 after the period insert "This section shall terminate on September 1, 1988.".

Messrs. Vickers, Warner, and Ms. Scofield asked unanimous consent to print the following amendment to LB 970 in the Journal. No objections. So ordered.

AM2620

1. In the Enrollment and Review amendment, on page 1, line 3, strike "This" and insert "Sections 3 and 9 of this" and after "on" insert "the effective date of this act. The remaining sections shall become operative on"; in line 6 after "to" insert "create a joint advisory committee; to", strike "an", and strike "date" and insert "dates".

2. In the Lundy and Vickers amendment adopted March 5, 1984, on page 1, line 6, after the first period insert "Such joint advisory committee shall meet not later than June 15, 1984. The joint advisory committee shall be composed of the following individuals or their designees: Two members of the Nebraska Board of Regents; two members of the Board of Trustees of the Nebraska State Colleges; the presidents of the University of Nebraska, Kearney State College, Wayne State College, and Chadron State College; the chancellors of the University of Nebraska- Lincoln and the University of Nebraska at Omaha; and the dean or head of business colleges or business divisions of the University of Nebraska- Lincoln, the University of Nebraska at Omaha, Kearney State College, Wayne State College, and Chadron State College. The Nebraska Coordinating Commission for Postsecondary Education shall provide staff services and assistance to the advisory committee. The joint advisory committee shall conduct a study of options available to the state in making master of business administration degree programs available on a statewide basis. The study shall address the following factors: (1) Access to master of business administration degree programs in all areas of the state; (2) the needs of all areas of the state for master of business administration degree programs; (3) the cost effectiveness of different methods of making master of business administration programs available on

a statewide basis, including any additional personnel and software costs; (4) the resources currently available at the University of Nebraska and the state colleges for providing the services necessary to offer master of business administration programs; and (5) any other factors relevant to the goal of ensuring coordinated program development and delivery of a master of business administration program or programs on a statewide basis. The joint advisory committee shall prepare a report for delivery to a joint meeting of the Legislature's Education and Appropriations Committees to be held not later than September 15, 1984, stating the options considered and making a recommendation or recommendations for a system to deliver master of business administration programs on a statewide basis in a coordinated and cost- efficient fashion. On September 16, 1984, the membership of all members initially appointed to the joint advisory committee shall terminate. On or before September 20, 1984, the Board of Trustees of the Nebraska State Colleges and the Board of Regents of the University of Nebraska shall each appoint not more than four members to serve on the advisory committee.".

3. On page 4, line 26, strike "85-954 to" and insert "85-955,".

4. Insert new sections as follows:

"Sec. 9. That original section 85-954, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

5. On page 1, line 5, strike "and" and after "sections" insert "; and to declare an emergency".

ATTORNEY GENERAL'S OPINION

Opinion No. 204
March 27, 1984

Dear Senator Withem:

In your letter of March 21, 1984 you asked what happens with regard to the maintenance of improvements constructed by a sanitary and improvement district in the event the district is dissolved without being annexed by a municipality or merged with a neighboring district. You inform us that you ask because, depending upon our answer, you may propose an amendment to a pending bill, if it appears that the matter needs to be clarified.

Neb.Rev.Stat. §31-767 (Supp. 1982), deals with the dissolution of an S.I.D. It provides that if the board of trustees desires such a dissolution, it shall propose a resolution to that effect, and shall set a time and place for considering the adoption of the resolution. Notice shall be published in the county, as provided by the statute, and a copy of it is to be mailed to any municipality in which any part of the district lies. Property owners or interested municipalities may appear and object. If owners representing a majority of the area of real estate within the district fail to sign a petition opposing the dissolution, the board may adopt the dissolution resolution, except that the board may not do so unless the holders of any bonds, warrants, or other debts or obligations of the district consent.

The section contains no provision about the maintenance of the improvements of the district after its dissolution. We have looked at the other sections found in Article 7, Chapter 31 of the statutes, and have found nothing pertinent. We therefore conclude that the statutes do not answer your question, and it would be pure speculation on our part as to what the courts would do, if faced with that situation. We find no cases in which the Supreme Court of Nebraska has considered the matter, so we are not prepared to say what the rights of the property owners in such a dissolved district would be.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 852. The Schmit-Hefner-R. Peterson pending amendment, found in the Journal on page 1874, was adopted with 25 ayes, 5 nays, 17 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Beyer asked unanimous consent to withdraw his pending amendment, AM2523, found in the Journal on page 1788. No objections. So ordered.

Mr. Carsten offered the following amendment:

Amend Senator Hefner's amend. by adding a new section.

Section 1 and 2 apply only when the land owner above tiles directly onto those below who are effected.

The Carsten amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

VISITORS

Visitors to the Chamber were 25 members of the Council of Catholic women; 18 eighth graders, teacher, and sponsors from Osceola; 21 seniors and teacher from Deshler; 45 sixth graders and teachers from Syracuse; Pat Kreifels from Springfield; 46 members of Democratic Womens organization; and 39 seniors, sponsors, and teacher from Palmyra.

RECESS

At 11:45 a.m., on a motion by Mr. Von Minden, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, DeCamp, Harris, V. Johnson, Newell, R. Peterson, Mesdames Higgins, and Labedz who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 27, 1984, at 12:05 p.m., were the following bills: 1128, 1129, 867, 880, 880A, 882, 883, 884, 1034, and 1126.

(Signed) Pam Moravec, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 316.

Introduced by Pappas, 42nd District.

PURPOSE: The purpose of this resolution is to study the feasibility of the Nebraska Educational Television station becoming two separate entities: (1) An organizational entity geared to the telecommunications aspects of the field, providing instructional services and state agency contract work and (2) a traditional broadcasting organization.

Both entities would work independently of each other with separate staff and budgets. The study would encompass the cost effectiveness of this proposal and the effectiveness of creating two separate entities. Because NETV has completely separate and diverse functions in serving the State of Nebraska, an interim study would reveal whether the station would have a more workable organization by separating the two functions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 530. Considered.

Mr. Sieck offered the following amendment:

That we increase the tax on gas 1/2¢ for county or citys for road and bridge ways and continue with the .05 tax on gasohol.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Sieck amendment lost with 4 ayes, 20 nays, 22 present and not voting, and 3 excused and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Warner requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Beyer Carsten Chambers Clark Fenger
Goodrich Hannibal Hefner Higgins Hoagland
Johnson, L. Labedz Landis Lundy Marsh
Morehead Pappas Peterson, H. Pirsch Vickers
Warner Withem

Voting in the negative, 24:

Abboud Barrett Beutler Chronister Eret
Goll Haberman Harris Jacobson Johnson, R.
Kahle Lamb McDonald Newell Nichol
Peterson, R. Remmers Rupp Schmit Scofield
Sieck Von Minden Wagner Wesely

Present and not voting, 1:

Kilgarin

Excused and not voting, 2:

DeCamp Johnson, V.

Failed to advance to E & R for Review with 22 ayes, 24 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 1117 in the Journal. No objections. So ordered.

1. Strike the Hannibal amendment adopted 1-20-84.
2. On p. 2, in line 22 after "long-term", insert "subordinated."
3. On p. 3, in lines 1 and 12, after "long-term" insert "subordinated"; and in line 26 strike "loan agreement" and show as sticken.
4. On p. 4, line 5, after the first comma, insert "subordinated debt agreement if the authority has an equity investment equal to ten percent of the enterprise,".

5. On p. 12, in line 4, after the first comma, insert "subordinated".

Mr. Fenger asked unanimous consent to print the following amendment to LB 913 in the Journal. No objections. So ordered.

AM2629

1. On page 2, line 22, strike "benefitting" and insert "benefiting".

2. On page 3, strike beginning with "rules" in line 20 through "department" in line 21 and insert "federal Community Services Block Grant Act of 1981".

3. On page 4, line 4, strike "July 31, 1984, and every July 31" and insert "September 30, 1984, and every September 30"; in line 13, after "on" insert "a consideration of, but not limited to,"; in line 18 strike "and"; and in line 20 after "area" insert ";

(4) The historical policy and level of funding; and

(5) A base funding level for agencies with less than five per cent of the low-income population of Nebraska".

RESOLUTIONS

LEGISLATIVE RESOLUTION 317.

Introduced by Beutler, 28th District.

PURPOSE: The purpose of this resolution is to study the effectiveness of current statutes concerning theft, fraud or other unlawful activities carried out by the use of computers or other high technology devices. Since computers are vital to the activities of modern society, including research and development in science and industry, the storage, processing and transmission of phenomenal amounts of data, and the transfer of billions of dollars daily by commercial enterprises, appropriate laws are necessary to protect computer users. The development and maintenance of high technology industry in this state require proper laws to foster and protect such tehnology.

In order to accomplish this purpose the following topics shall be studied:

1) The nature and extent of computer crime;

2) The applicability and adequacy of current laws to regulate computer use and penalize computer crime;

3) Laws used in other jurisdictions to control computer crime;

4) Any other matters necessary for a complete analysis of this issue.

Now, therefore, be it resolved by the members of the eighty-eighth Legislature of Nebraska, Second Session:

1. That the Judiciary Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 318.

Introduced by Beutler, 28th District.

PURPOSE: The purpose of this interim study is to examine the basic purposes, policies and goals of corrections, sentencing and parole in Nebraska. To accomplish this purpose this study may include but not be limited to the following topics:

1) Deterrent and rehabilitative effects of various methods of sentencing, parole and corrections;
2) Sentencing, parole and corrections procedures in other jurisdictions;
3) Determinate and indeterminate sentencing;
4) Methods of reducing the cost of incarceration;
5) Alternative sentencing, including restitution and community service;
6) Parole board functions;
7) Good time provisions;
8) Criminal law and law enforcement and their effect on sentencing and corrections;
9) Any other matters necessary for a complete analysis of this issue.

Now, therefore, be it resolved by the members of the eighty-eighth Legislature of Nebraska, Second Session:

1. That the Judiciary Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 319.

Introduced by Beutler, 28th District.

PURPOSE: The purpose of this interim study is to examine the feasibility of establishing or expanding employment opportunities for offenders incarcerated in Nebraska penal institutions. Inmates, correctional officials and scholars in the field cite many problems which stem from idleness of offenders. It is believed that providing inmates with work opportunities would help create appropriate habits for reentry into society and have a rehabilitative effect. Such activities may be able to provide products or services of value which can be used to reduce the spiraling costs of incarceration. In order to accomplish this purpose the study shall include but not be limited to the following topics:

1) The feasibility of establishing industries, farms or other enterprises in penal institutions to employ offenders;

2) The fiscal impact of establishing such enterprises;

3) The effect of establishing such enterprises upon the private sector;

4) The feasibility of contracting with private enterprises to conduct operations on the grounds of penal institutions or employ offenders outside of such institutions;

5) Utility or marketing of products made in institutions;

6) Training of offenders in marketable skills;

7) Psychological or rehabilitative effects of employment of offenders;

8) Any other items necessary for a complete analysis of this issue.

Now, therefore, be it resolved by the members of the eighty-eighth Legislature of Nebraska, Second Session:

1. That the Judiciary Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 320.

Introduced by Beutler, 28th District.

PURPOSE: The purpose of this interim study is to examine and seek solutions to the problems of increasing population and overcrowding in Nebraska penal institutions. Increases in population and overcrowding result in increasing costs of operating current correctional facilities and lead to the necessity of the construction of expensive new facilities to combat these increases. Overcrowding also appears to result in a negative impact upon offender rehabilitation and behavior. In order to accomplish its purpose the study shall include but not be limited to the following:

1) Determination of current prison population and projections of

future population based on current rates of increase;

2) Examination of methods of dealing with increasing prison population including methods used in other jurisdictions;

3) Determination of costs of increasing prison population;

4) Any other matters necessary for a complete analysis of this issue.

Now, therefore, be it resolved by the members of the eighty-eighth Legislature of Nebraska, Second Session:

1. That the Judiciary Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 845. Title read. Considered.

Standing Committee amendments, AM1949, found in the Journal on page 943 for the Twenty-Seventh Day were considered.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM2430, found in the Journal on page 1627. No objections. So ordered.

Mr. Beutler renewed the Hoagland pending amendment, AM2627, found in the Journal on page 1893 to the Standing Committee amendment.

The amendment was adopted with 11 ayes, 0 nays, 35 present and not voting, and 3 excused and not voting.

Mr. Schmit offered the following amendment to the Standing Committee amendments:

To amend the committee amendments to LB 845 as follows:

On the 8th line 4, after "parties." insert "It shall be the duty of the Clerk of the District Court to compute interest and identify delinquencies pursuant to this section, and report same to the court.".

The Schmit amendment was adopted with 16 ayes, 0 nays, 30 present and not voting, and 3 excused and not voting.

Mr. Beutler asked unanimous consent to withdraw his pending amendment, AM2313, found in the Journal on page 1462. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM2295, found in the Journal on page 1508. No objections. So ordered.

Messrs. Hoagland and Beutler asked unanimous consent to withdraw their pending amendment, AM2615, found in the Journal on page 1887. No objections. So ordered.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM2613, found in the Journal on page 1866. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 321.

Introduced by Pappas, 42nd District.

PURPOSE: The purpose of this study is to examine the parimutuel system of betting at horseraces in this state. The study should include, but not be limited to, the following:

(1) The taxing structure of the parimutuel betting system; and

(2) Any property tax exemptions allowed to horseracing tracks and the economic impact of such exemptions on the cities where the horseracing tracks benefitting from such exemptions are located.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 205

March 23, 1984

Dear Senator Nichol:

This is in response to your request for an opinion received by this office on March 12, 1984, without an indication that it was for a legislative purpose, and your later renewal of that request emphasizing the legislative purpose connected in part with LB 744, received March 21, 1984.

Your questions all pertain to that portion of the statute authorizing political subdivisions to conduct a lottery which is contained in §28-1116 (Reissue 1979) as follows:

> No county, city, or village shall establish and conduct such a lottery until such course of action has been approved by a majority of the registered voters of such county, city , or village casting ballots on the issue at a regular election or a special election called for the purpose of considering such action.

Your questions and our response will be set forth in the order submitted.

> (1) Is there any provision in the Constitution or laws of Nebraska which would prohibit the voters by initiative petition or the governing body of a political subdivision from placing on the ballot the question of whether the authority to conduct a lottery shall continue?

Actually there are two parts to this question. The first part is whether the constitution or laws of Nebraska prohibit the voters by initiation petition from placing on the ballot the question of whether the authority to conduct a lottery shall continue.

As you know the power of initiative and referendum reserved to the voters is very extensive. Article III, Section 2 of the Nebraska Constitution provides in part:

> The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature . . . The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.

In Klosterman v. March, 180 Neb. 506, 143 N.W.2d 744 (1966), the Supreme Court of Nebraska in discussing this power said:

> The initiative is in no sense limited as to the time of its exercise. Neither are initiated laws limited to matters on which the Legislature has not acted. By the initiative process, the people may amend or even expressly repeal laws already enacted by the Legislature. By the referendum, the people may also reinstate an act which the Legislature has expressly repealed.

From the foregoing, there can be no doubt that insofar as the power of the voters state-wide, that §28-1116 (Reissue 1979) could be amended or repealed, or that an entirely new act could be substituted by the voters by the use of the initiative or referendum, as the case may be.

The authority of the voters of a governmental subdivision to exercise initiative and referendum as to city measures, which include ordinances and resolutions, is contained in §18-2501 (Supp. 1982) et seq.. Section 18-2501 provides:

> (1) The powers of initiative and referendum are hereby reserved to the qualified electors of each municipal subdivision in the state. Sections 18-2501 to 18-2537 shall govern the use of initiative to enact, and the use of referendum to amend or repeal measures affecting the governance of all municipal subdivisions in the state, except those operating under home rule charter and as specified in section 18-2537.
>
> (2) Cities operating under home rule charter shall provide, by charter provision or ordinance, for the exercise of the powers of initiative and referendum within the cities. Nothing in sections 18-2501 to 18-2537 shall be construed to prevent such cities from adopting any or all of the provisions of sections 18-2501 to 18-2537.

Thereafter follows sections outlining the procedure for enacting ordinances by the people.

Since §28-1116 (Reissue 1979) only provides for authorizing a lottery by the vote of the people of the governmental subdivision involved, but is silent as to withdrawing such authority, it is our opinion that the specific authorization given in §18-2501 et seq. to enact measures by referendum, would give the voters the authority to enact a measure which could, in effect, withdraw the authority of the governmental subdivision to conduct a lottery. There is no conflict between such action and the legislative authorization in §28-1116, quoted above. The initial approval of a lottery by the voters is usually not an initiative procedure. It is a specific issue which may be put on the ballot by the governing body. We know of no exceptions. No question arises as to time limitations in the statutes governing reconsideration of initiative and referendum proposals by governmental subdivisions.

The second part of your first question relates to the authority of the governing body of a political subdivision to place on the ballot the question of whether the authority to conduct a lottery should continue.

We find no statutory authority for placing such an issue on the ballot except by the initiative petition method discussed above.

> (2) May the governing body of a political subdivision which is operating a lottery discontinue the lottery without first obtaining the approval of the voters?

Yes, for the same reasons discussed above as to the authority of the voters. We know of no restriction on the governing body from considering this issue. Section 58, Initiative and Referendum, 42

AM.Jur.2d, states in part:

> Generally, initiated or referred measures can be amended or repealed. In the absence of constitutional or charter provisions, one view is that the legislative body may amend or repeal an enactment by the people.

As this section points out, however, there are courts which take the position that only the people may repeal or amend such measures in the absence of specific statutory authority. The Nebraska Supreme Court has stated as to the legislature in this regard:

> Under Nebraska constitutional provisions vesting the legislative power of the state in the Legislature, but reserving to the people the right of initiative and referendum, the Legislature, on the one hand, and the electorate on the other, are coordinate legislative bodies, and there is no superiority of power between the two. In the absence of specific constitutional restraint, either may amend or repeal the enactments of the other.

Klosterman v. Marsh, 180 Neb. 506, 511, 143 N.W.2d 744 (1966). We feel it would take the same position as to governmental subdivisions.

> (3) May a political subdivision when initially seeking voter approval to conduct a lottery frame the ballot question in such a manner to provide that the authority, if approved, shall exist for a fixed term of time the expiration of which will require that the question again be placed before the voters in order to continue the authority to conduct a lottery?

Yes. The provision of §28-1116 (Reissue 1979) permitting the voters of the governmental subdivision to authorize a lottery is a grant by the Legislature of an exception to the general gambling laws. Without this exception, the conduct of a lottery by a governmental subdivision would be illegal. The exercise of a limitation upon this exception by the voters of a governmental subdivision, as you suggest in your question, is in no way contrary to the grant of the Legislature in §28-1116 and is, in our opinion, within the initiative power reserved to the people discussed above.

As is frequently true in so many cases, an express provision in the statutes of what you wish to accomplish, may save time and expense in legal disagreements over these questions.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE BILL 845A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 553. Title read. Considered.

Mr. Chambers renewed his pending amendment found in the Journal on page 1727.

The Chambers amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Messrs. Chambers and Wesely renewed their pending amendment, AM2565, found in the Journal on page 1760.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CLARK PRESIDING

The Chambers-Wesely amendment was adopted with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 322.

Introduced by Fenger, 45th District.

PURPOSE: The purpose of this resolution is to assess the potential impact of prevention, health promotion, and risk reduction type programs on the health care system and resources of the state. Particular emphasis should be placed on the following issues:

(1) Infant and maternal health programs, including the issue of teenage pregnancy;

(2) Nutrition services, their availability, and the delivery system for such services;

(3) Feasibility of a health promotion program for state employees;

(4) Identification and screening of infants at risk, including the risk of hearing impairment;

(5) Scope and funding of diabetes educational services;

(6) Availability of prenatal obstetrical services, especially to the

medically indigent; and

(7) Feasibility of a state mandate for mental health insurance coverage for acute care services to offset the need for state institutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 323.

Introduced by Fenger, 45th District.

PURPOSE: The purpose of this resolution is to study the availability, accessibility, and affordability of adequate health care services, including mental health care, with particular emphasis on the following issues:

(1) Health care for the uninsurable and the feasibility of a catastrophic health insurance plan;

(2) The state's role and responsibility in the provision of health care services;

(3) Methods of funding public health related services provided at the local level;

(4) Geographic and specialty maldistribution of physicians;

(5) The future of small rural hospitals;

(6) Funding alternatives for chronic disease programs; and

(7) Feasibility of a state mandate for mental health insurance coverage for acute care services to offset the need for state institutions to provide this level of care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2609.)

Mr. Goll asked unanimous consent to print the following amendment to LB 1125 in the Journal. No objections. So ordered.

AM2642
(Amendments to Standing Committee Amendments)

1. On page 1, line 11, after "media" insert ", telecommunications system, telecommunications access or transport service, or any part of such system or service".

Mr. Withem asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

AM2631
(Amendments to AM 2328)

1. On page 2, line 5, before "evaluation" insert "onsight"; in lines 6 and 8 before "evaluations" insert "onsight"; in line 10 strike "five" and insert "seven" and after "members" insert "appointed by the Director of Health"; in line 19 strike "and"; and in line 21 after "Nebraska" insert ";

(6) One opthmologist engaged in the practice of opthamology in Nebraska; and

(7) One lay person to serve as a consumer representative".

Mr. Wesely asked unanimous consent to print the following amendment to LB 902 in the Journal. No objections. So ordered.

AM2595

1. On page 4, line 5, after "10." insert the following new subsection:

"(1) Insurers and participants may contract for health services with preferred providers through a process of competitive bidding or through individual negotiations with preferred providers. After completion of such bidding process or individual negotiations, an insurer or participant may offer to providers the terms and conditions of a preferred provider contract. Providers willing and qualified to meet the terms and conditions of a preferred provider contract offered by an insurer or participant may agree to provide health services pursuant to such contract."; in line 5 before "The" insert "(2)"; strike beginning with "No" in line 8 through the period in line 9; in line 17 strike "qualify" and insert "bid and negotiate contracts"; in line 18 strike "payment" and insert "health services"; and strike beginning with "under" in line 18 through "contracts" in line 19 and insert "or to provide health services as a nonpreferred provider".

2. On page 5, strike line 17 and insert "This section shall not limit the negotiation of preferred"; and in line 19 after "act" insert "by hospital service corporations".

3. On page 6, line 10, strike "be limited" and insert "limit"; and in line 11 strike "by".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

AM2643

1. In the Hoagland amendment on page 1879 of the Journal, on page 1, line 4, strike "highest degree of care,"; in line 5 strike "skill, and knowledge" and insert "ordinary and reasonable care, skill, and knowledge ordinarily"; in line 14 strike "five" and insert "one"; and in line 15 strike "one million" and insert "three hundred thousand".

GENERAL FILE

LEGISLATIVE BILL 742. Title read. Considered.

Standing Committee amendment, AM2321, found in the Journal on page 1506 for the Forty-Third Day lost with 0 ayes, 21 nays, 24 present and not voting, and 4 excused and not voting.

Ms. Scofield asked unanimous consent to withdraw her pending amendment, AM2385, found in the Journal on page 1558. No objections. So ordered.

Ms. Scofield renewed her pending amendment, AM2475, found in the Journal on page 1623.

Mr. Barrett renewed his pending amendment, AM2564, found in the Journal on page 1789, to the Scofield amendment.

The Barrett amendment was adopted with 21 ayes, 0 nays, 24 present and not voting, and 4 excused and not voting.

The Scofield amendment, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 903. Title read. Considered.

Standing Committee amendments, AM2024, found in the Journal on page 1024 for the Thirtieth Day were considered.

Mr. Fenger renewed his pending amendment, AM2544, found in the Journal on page 1712 to the Standing Committee amendments.

Mr. Eret asked unanimous consent to be excused. No objections. So ordered.

The Fenger amendment was adopted with 16 ayes, 0 nays, 28 present and not voting, and 5 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 16:

Abboud	Beutler	Chambers	Goodrich	Higgins
Hoagland	Johnson, V.	Kilgarin	Labedz	Landis
Marsh	McDonald	Newell	Warner	Wesely
Withem				

Voting in the negative, 22:

Barrett	Beyer	Carsten	Chronister	Clark

Fenger Goll Hefner Jacobson Johnson, L.
Kahle Lamb Lundy Nichol Pappas
Peterson, H. Peterson, R. Remmers Rupp Sieck
Von Minden Wagner

Present and not voting, 6:

Hannibal Harris Johnson, R. Morehead Scofield
Vickers

Absent and not voting, 1:

Pirsch

Excused and not voting, 4:

DeCamp Eret Haberman Schmit

Failed to advance to E and R for Review with 16 ayes, 22 nays, 6 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Chronister and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

March 27, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 880 without my signature and with my objections. After reviewing the floor debate and all of the arguments on LB 880, I cannot, in all good conscious, sign this bill.

First of all, I commend Senator Wesely for his attempt to amend this bill so that we could move to the new insurance program.

As you are aware, my original LB 880 contained provisions that would have allowed the State to modernize the State employee health insurance program to one similar to the University of Nebraska.

The decision to change health benefits came after long and expensive work by a national consulting firm and an independent task force. All of the needed work has been done. The issue has been studied. The Nebraskans for Quality and Affordable Health Care created in 1982 by the Legislative Public Health and Welfare Committee arrived at the same conclusion, first dollar coverage is a benefit of the past. To date, I have heard no valid reason for delaying the change. The first dollar hospitalization costs of our plan is outdated and extremely expensive. Approximately 18% of State employees use our hospital insurance benefits and they account for over 1/2 of the total insurance costs. The time to change is now. The time to act is now.

Originally, dental insurance was part of my original package. Unfortunately, the position I am now left in prohibits the State from going to dental without asking employees to take on a substantial increase in premiums. The entire cost of my original proposal was because of dental coverage. By switching to the new health plan without dental coverage, which I intend to do, the cost of the plan will be less expensive than our current rates.

Since the statutes will remain the same and so will the State contributions, employees will see a slight decrease in their insurance premiums.

I urge you to support and sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jeb

March 27, 1984

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I am herewith returning LB 1128, LB 1129 and LB 880A with my signature but with certain line-item veto reductions.

In total I am vetoing $15.6 million from these measures which, when deducted from the "mainline appropriation" measures passed by you, will result in a $799.7 million budget. A summary of the specific reductions is attached.

In my letter to you on March 12 I proposed that if the Legislature would reduce the budget to about $814 million, I would make further reductions to bring the total to under $800 million. The action I am taking today accomplishes that objective.

In that same letter, I indicated that if we could reduce and maintain these spending measures to about $800 million it would leave $18 million for "A" bills and other spending measures. This assumes a 19% income tax, 3 1/2% sales tax and the passage of LB 1124.

Since that time, you have failed to advance LB 827, LB 873 and LB 941 thereby adding $4,328,987 to the budget. In addition, you have amended LB 1127 to add $1,040,489 to our already strained Medicaid Program. The total impact of these actions is $5,369,476. When added to my revised budget, it brings the General Fund spending to $805,070,903. This leaves approximately $12 million for other spending measures if LB 1124 is passed or only $5.5 million should you fail to enact that needed clarification to our tax system.

While most of the reductions listed need no additional explanation, some do require that I comment.

First, my recommendation for the University provides for the Regents proposed differential salary policy and the amounts taken from the four separate appropriations were done with that objective in mind.

Second, the reduction to the circulation road at UNO is based on the probability that they will be unable to proceed fully with this effort during the upcoming fiscal year. The funds reduced will need to be added in a subsequent budget, most likely FY 85-86.

Third, I am also striking the appropriation of $830,000 for development of Papio Site 20 for the fiscal year ending June 30, 1986. The source and type of funds necessary to complete this project should be determined next year.

Lastly, I am striking the FY 85/86 appropriation of $1,765,000 and the $180,611 to the University and the State Colleges respectively, for an LB 410 Bond Reserve. The appropriations were not part of the plan contained in LB 410 last session and are legally suspect since the funds are created in LB 1129 along with the appropriation, while LB 410, the substantive legislation, is not amended.

Again, let me state my position, to achieve a 19% and 3 1/2% tax rate and a 5% reserve, the total spending should not exceed $818 million. I intend to exercise my veto authority to achieve this objective.

I urge you to sustain these necessary reductions.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:lbb

ATTACHMENT

Veto—LB 1128 Operations & Aid

1.	Education-Drivers Education Aid	$1,304,000
2.	Education-Special salary adjustment	468,196
3.	Military-Tuition Assistance	600,000
4.	Crime Commission-Witness Assistance Centers	97,549
5.	Institutions-M.R. Aid increase for waiting list	1,599,563
6.	Institutions-Reduce General Fund to offset increased Veteran's Administration reimbursement increase	350,000
7.	Institutions-Reduce General Fund to offset unexpended Federal Funds balance at Beatrice	650,000
8.	University-Operations Reduction	2,451,197
9.	State Colleges-Operations Reduction	250,000
10.	Library Commission-Aid to Regional Libraries	240,000
11.	Library Commission-Aid increase for resource services	30,000
12.	Labor-Veteran's Rights Investigator	11,841
13.	Historical Society-Committee additions after preliminary recommendation	45,973
14.	Public Service Commission-Additional clerical position	11,012
15.	Health-Renal disease increase over current year	75,000
16.	Legislative Council-Special salary adjustment	427,565
17.	Legislative Council-Adjustment for unexpended balance	1,000,000
18.	Game & Parks-N.R.D. Lakes	276,000
19.	Natural Resources Commission-Reduce Small Watershed to Governor's recommendation	50,000
20.	District Courts-Special salary adjustment	238,955
21.	State Patrol-Trooper salary adjustment	456,565
22.	ETV-Reduce amount for equipment replacement	200,000
23.	Environmental Control-Wastewater Aid cash flow adjustment	500,000
	SUBTOTAL	$11,333,416

LB 1129 Capital Construction

1.	Legislative Council-Hearing Rooms	$ 594,473
2.	State Colleges-Chadron Activity Center	1,850,000
3.	State Colleges-Program Statement, Cushing Coliseum	7,500
4.	State Colleges-Reduce Misc. Renovation to 100,000	50,000
5.	University-Reduce Fire & Life Safety Funds to 150,000	225,000
6.	University-UNO Circulation Road to 215,000	585,000
7.	Game & Parks-Willow Creek Headquarters	80,000
	SUBTOTAL	$3,391,973

LB 880A Health Insurance

1. State Agencies		$	741,146
2. University			90,034
3. State Colleges			26,504
	SUBTOTAL	$	857,684
	GRAND TOTAL		$15,583,073

Budget as Passed by Legislature	$815,284,500
Veto: Operations LB 1128 & LB 880A	(8,307,745)
Aid LB 1128	(3,883,355)
Cap. Const. LB 1129	(3,391,973)
Revised Budget	$799,701,427

March 27, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 466 and LB 466A without my signature and with my objections.

LB 466 is intended to provide a voluntary check-off designation of income tax refunds to provide for the protection of nongame and endangered species. While this action is inspired by noble intentions, it also creates an undesirable precedent. The possible proliferation of check-offs, all designed to benefit worthwhile interest groups, will only result in rising costs to maintain our income tax program. The funds appropriated by LB 466A are required but objectionable as an expense to implement this initial check-off.

As we seek to provide the most efficient state government at the lowest cost, we must not add to the burden and expense of revenue administration. Appropriations for this endeavor to protect certain species should be directly funded so that all taxpayers share the costs equally. I cannot support the concept of an income tax check-off to achieve this additional revenue.

Sincerely,
(Signed) ROBERT KERREY
Governor

March 27, 1984

Mr. President, Mr. Speaker and

Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 758 without my signature and with the following objections:

1. As a former retailer, I appreciate this Legislature's concern for the health of small businesses. However, when a sale is made the sales tax should be paid. Those merchants which make sales on credit do not need to charge the sales tax; they could require cash payment and then charge the merchandise.
2. This legislation not only encourages consumer credit, it penalizes those businesses which do not engage in extensive consumer credit.
3. There appears to be no compelling public need for this legislation.
4. There are serious cash flow implications for the state general fund even though no reduction in the amount of sales tax due would occur.

Again, I appreciate your concern for Nebraska businesses, but because this legislation unfairly gives an advantage to certain retailers, I do not believe it should become law. I strongly urge you to reconsider and sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jeb

March 27, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 867, 883, 882, and 884 were received in my office on March 27, 1984.

These bills were signed by me on March 27, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

March 27, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 805, 677, 249, 990, 990A, 736, 1098, 1039, and 1095 were received in my office on March 21, 1984.

These bills were signed by me on March 27, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Member Excused

Mr. Harris asked unanimous consent to be excused. No objections. So ordered.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet at noon in Room 1003, Wednesday, March 28th, 1984 to consider recommendations of overrides of Governor's vetoes.

UNANIMOUS CONSENT - Print in Journal

Mr. Clark asked unanimous consent to print the following amendment to LB 692 in the Journal. No objections. So ordered.

AM2645

(Final Reading Copy)

1. On page 1, line 2, after the last comma insert "44-2803, 44-2804, 44-2810"; and in line 13 after

the first semicolon insert "to change a standard of care; to redefine terms;".

2. Insert new sections as follows:

"Sec. 4. That section 44-2803, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2803. (1) Health care provider shall mean (a) a physician who is performing duties in the specialty for which he or she is board certified; (b) a nurse anesthetist; (c) an individual, partnership, corporation, association, facility, institution, or other entity authorized by law to provide professional medical services by physicians or nurse anesthetists; (d) a hospital; ~~or~~ (e) an optometrist, (f) a podiatrist, (g) a pharmacist, or (h) a personal representative, as defined in subdivision (33) of section 30-2209, who is successor or assignee of any health care provider designated in subdivisions (a) to ~~(d)~~ (g) of this subsection.

(2) Nurse anesthetist shall mean a person licensed in this state pursuant to sections 71-1,132.04 to 71-1,132.37, when acting as an anesthetist on a contract basis or as an employee of a hospital.

Sec. 5. That section 44-2804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2804. Physician shall mean a person with ~~an unlimited~~ a license to practice medicine who is performing duties in the specialty for which he or she is board certified in this state pursuant to sections 71-1,102 to 71-1,107.14.

Sec. 6. That section 44-2810, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2810. Malpractice or professional negligence shall mean that, in rendering professional services, a health care provider has failed to use the ~~ordinary and reasonable care, skill, and knowledge ordinarily~~ highest degree of care, skill, and knowledge possessed and used under like circumstances by members of his or her profession engaged in a similar practice in the same ~~his~~ or in similar localities. ~~In determining what constitutes reasonable and ordinary care, skill, and diligence on the part of a health care provider in a particular community, the test shall be~~

~~that which health care providers, in the same community or in similar communities and engaged in the same or similar lines of work, would ordinarily exercise and devote to the benefit of their patients under like circumstances.~~".

3. On page 10, line 5, strike "one", show as stricken, and insert "five"; and in line 8 strike "three hundred thousand", show as stricken, and insert "one million".

4. On page 30, line 5, after the second comma insert "44-2803, 44-2804, 44-2810,".

5. Renumber remaining sections accordingly.

Messrs. Vickers and Hoagland asked unanimous consent to print the following amendment to LB 852 in the Journal. No objections. So ordered.

Sec. 1 Each landowner shall, not less than thirty nor more than forty-five days prior to commencement of construction on his or her land of a tile drain, open ditch or other artificial watercourse designed to discharge water into any natural depression or draw, give public notice of such construction in one or more newspapers of general circulation in each county located within one mile of the construction site. This provision shall not apply to land located within the zoning jurisdiction of an incorporated municipality.

Sec. 2 Any person undertaking such construction in violation of the provisions of subsection (1) of this section shall be guilty of a Class V misdemeanor and liable for damages to land caused by diverted waters or increased flows.

Sec. 3 Persons who object to the proposed construction as described in subsection (1) must give written notice of objection to the landowner proposing the construction within thirty days of the last published notice as described in subsection (1). A timely notice of objection preserves a landowner's right to claim damages for diverted waters or increased flows unto his property.

Sec. 4 Subsection 1, 2, and 3 of this section apply only when the landowner above constructs a drain as described in subsection (1) which drains onto another's land and there is a reasonable likelihood that such construction may result in substantial damage to another person's land.

GENERAL FILE

LEGISLATIVE BILL 1131. Title read. Considered.

Standing Committee amendment, AM2554, found in the Journal on page 1739 for the Forty-Ninth Day was adopted with 26 ayes, 0 nays, 16

present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

VISITORS

Visitors to the Chamber were 32 fifth grade students, teacher, and sponsors from Hebron.

ADJOURNMENT

Mr. H. Peterson moved to adjourn. The motion prevailed with 16 ayes, 15 nays, and 18 not voting and at 5:28 p.m., on a motion by Mr. H. Peterson the Legislature adjourned until 9:00 a.m., Wednesday, March 28, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - MARCH 28, 1984

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 28, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Senator Chris Beutler.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, Hoagland, V. Johnson, Landis, Wesely, Mesdames Higgins, Labedz, Pirsch, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1084. Placed on Select File as amended.
E & R amendments to LB 1084:
AM5411

1. In the Standing Committee amendments, AM1833, adopted March 20, 1984:

a. On page 1, line 3, after "of" insert "sections 18-2103 and 18-2109"; in line 4 strike "this act"; in line 5 strike "is" and insert "are"; in lines 8 and 12 strike "that" and insert "such"; and in line 9 strike "that" and insert "which"; and

b. On page 3, line 16, strike the second "in" and insert "is"; in line 20 strike "plotted" and insert "platted"; in line 25 strike "that"; and in line 26 after "either" insert "a".

2. On page 1, line 2, strike "18-2102" and insert "18-2109"; in line 3 after the second comma insert "section 18-2103, Revised Statutes Supplement, 1982,"; and in line 5 after the semicolon insert "to change provisions relating to designation of an area as substandard or blighted; to harmonize provisions;".

LEGISLATIVE BILL 1125. Placed on Select File as amended.
E & R amendments to LB 1125:
AM5413

1. In the Standing Committee amendments, AM2407, adopted March 22, 1984:

a. On page 1, line 9, after "in" insert "this section or sections 1 to 3 of"; and in line 20 after the first "of" insert "sections 1 to 3 of"; and

b. On page 2, line 6, after "compensation" insert an underscored comma.

2. On page 1, line 6, after the second semicolon insert "to create an advisory committee;"; and in line 7 after the semicolon insert "to harmonize provisions;".

3. On page 3, line 6, strike "movement of" and insert "moving".

4. On page 4, line 16, strike "under" and insert "by".

5. On page 5, line 15, strike the comma and show as stricken.

LEGISLATIVE BILL 1125A. Placed on Select File.

LEGISLATIVE RESOLUTION 244. Placed on Select File as amended.
E & R amendments to LR 244:
AM5414

1. In the Warner amendments adopted March 23, 1984, found on pages 1830 and 1831 of the Journal, add underscoring to all matter in quotation marks.

2. On page 2, line 2, after "that" insert "(1)"; in line 4 strike "(1)", show as stricken, and insert "(a)"; in line 12 strike "(2)", show as stricken and insert "(b)"; in line 17 strike the first comma; in line 18 strike "as"; in line 23 strike ". The" and insert "and (2)"; and in line 24 reinstate the stricken "the".

3. On page 4, line 3, strike ", but not be

limited to,"; and strike beginning with "domestic" in line 4 through the first comma in line 6.

LEGISLATIVE BILL 829. Placed on Select File.

LEGISLATIVE BILL 949. Placed on Select File as amended.
E & R amendments to LB 949:
AM5412

Because of line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. In lieu of the Hannibal amendment adopted March 23, 1984, found on page 1838 of the Journal, insert the following new section:

"Sec. 78. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. In the Hefner amendment, AM2221, adopted March 23, 1984, because of the Hefner amendment, AM2318, strike amendments 1, 3, and 4; and on page 1, line 5, after "1" insert an underscored comma.

3. Renumber section 78 added by the Hefner amendment, AM2592, as section 81; renumber section 75 added by the Hefner amendment, AM2318, as section 76; and renumber sections 58, 59, 64, 65, and 66 added by the Standing Committee amendments, AM2134, as sections 59, 60, 65, 66, and 67, respectively.

4. In the Hefner amendment, AM2592, adopted March 23, 1984, strike "Section 40" and insert "Sections 40 and 80".

5. In the Hefner amendment, AM2318, adopted March 23, 1984, strike amendment 1.

6. In the Standing Committee amendments, AM2134, adopted March 23, 1984:

a. On page 1, line 9, strike "62- " and insert "63";

b. On page 1, lines 13, 15, and 22; page 2, lines 5 and 22; page 3, lines 24 and 25; and page 4, lines 2, 9, 11, 16, and 18, strike "62" and insert "63";

c. On page 2, line 19, delete the underscoring; in line 24 strike "61, 62, 66" and insert "62, 63, 67"; and in line 25 strike "70" and insert "71";

d. On page 3, line 2, delete the underscoring from "Any"; in line 13 strike "nor" and insert "and no"; in line 14 strike "any"; in line 15 after "organization" insert an underscored comma; and in line 16 strike the comma;

e. On page 5, line 1, after "6" insert ", show as stricken,"; in line 2 after "Commissioner" insert an underscored period; and in line 9, strike "Enforcement" and insert "enforcement", and strike "raffles," and insert "raffle, and";

f. On page 8, line 10, after the first "section" insert an underscored comma; and

g. On page 10, line 20, strike "statutorial" and insert "statutory".

7. On page 1, line 7, after the third comma insert "9-160,", and after the fifth comma insert "9-165,"; in line 9 strike beginning with "9-187," through "to"; in line 13 after "lotteries" insert ", bingo,"; and in line 14 strike "certain provisions".

8. On page 2, strike beginning with line 1 through the first "and" in line 17 and insert ", provide, and eliminate requirements, restrictions, exceptions, powers, and duties; to transfer powers, duties, records, equipment, and funds; to eliminate a commission; to create a committee; to impose a tax; to provide a penalty; to harmonize provisions; to eliminate a definition and certain expense provisions; to provide operative dates; to provide severability;"; in line 19 strike "sections 9-160, and" and insert "section"; and in line 20 after "1983" insert "; and to declare an emergency".

9. On page 4, line 5, after "facilities" insert "shall"; and in line 20 strike "9-130, 9-132 to".

10. On page 31, line 22, after "lottery" insert "or raffle".

11. On page 36, line 14, strike "commission", show as stricken, and insert "department".

12. On page 38, line 14, strike "effective date of this act" and insert "operative date of this section"; and in line 15 strike "the effective date of this act" and insert "such date".

13. On page 48, line 9, strike "sections 9-160 and" and insert "section".

14. Insert the following new section:

"Sec. 80. That original section 9-166, Revised Statutes Supplement, 1982, is repealed.".

“Sec. 80. That original section 9-166, Revised Statutes Supplement, 1982, is repealed.”.

LEGISLATIVE BILL 832. Placed on Select File as amended.
E & R amendments to LB 832:
AM5415

1. In the Landis, McDonald, and R. Peterson amendments, AM2585, adopted March 23, 1984:

a. On page 2, line 21, after “section” insert an underscored comma;

b. On page 6, line 24, reinstate the stricken comma;

c. On page 7, line 20, after “issues” insert “on which”; and in line 21 strike “on”; and

d. On page 8, line 9, strike “shall”; in line 10 strike “file” and insert “files”, and strike both commas; and in lines 10, 12, 14, and 16 strike “post trial” and insert “posttrial”.

2. On page 1, line 2, strike “section” and insert “sections 48-816 and”.

LEGISLATIVE BILL 832A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 324.

Introduced by Barrett, 39th District.

PURPOSE: The purpose of this study is to examine current issues concerning Nebraska Public Lettings Law, including an examination of statutory authority, public bidding practices, and whether alternative or additional public bid letting law exists in other states, is successful, and can be incorporated or adopted by the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military & Veterans Affairs Committee of

the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Government, Military & Veterans Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 341 in the Journal. No objections. So ordered.

AM2619
(Amendments to Vickers amendment, AM2374)

1. On page 4, line 17, after "(2)" insert "(a)".

2. On page 5, line 3, after "operations" insert "if all sources of state support to public schools are at least thirty-six per cent of the estimated operating costs of public schools"; in line 10 after "operations" insert "if all sources of state support to public schools are at least thirty-nine per cent of the estimated operating costs of public schools"; in line 14 before the period insert "if all sources of state support to public schools are at least forty-two per cent of the estimated operating costs of public schools"; in line 21 after "operations" insert "if all sources of state support to public schools are at least forty-five per cent of the estimated operating costs of public schools"; and after line 21 insert:

"(b) Commencing in fiscal year 1986-87, if the total state support for public schools operations did not increase at least three per cent from fiscal year 1984-85 to fiscal year 1985-86 and did not equal thirty-three per cent in fiscal year 1985-86, the minimum qualifying levies for fiscal year 1986-87 shall be the minimum qualifying levies specified in subdivision (a) of this subsection for fiscal year 1985-86 increased by an amount equal to the actual percentage increase, above thirty per cent, in total state support for public schools operations divided by three per cent, multiplied by the proposed incremental increase in the minimum qualifying levies from fiscal year 1985-86 to fiscal year 1986-87. The resulting figures shall be used to determine subsequent minimum qualifying levies for fiscal years 1987-88, 1988-89, and 1989-90, by adding to such figures the incremental increases reflected in subdivision (a) of this subsection for each subsequent fiscal year or the percentage of each incremental increase in the minimum qualifying levies for such years which equals the percentage of the three per cent annual increase in state support to public schools actually provided. If, prior to fiscal year 1989-90, the total state support to public schools in any fiscal year is increased three per cent or more over the previous fiscal year's support, then the full incremental increases reflected in the increases specified in subdivision (a) of this subsection for the relevant year shall be added to the previous year's minimum qualifying levies as determined pursuant to this subdivision.”.

RESOLUTIONS

LEGISLATIVE RESOLUTION 300. Read. Considered.

LR 300 was adopted with 26 ayes, 0 nays, and 23 present and not voting.

LEGISLATIVE RESOLUTION 313. Read. Considered.

Mr. Newell asked unanimous consent to have his name added as co-introducer to LR 313. No objections. So ordered.

LR 313 was adopted with 30 ayes, 0 nays, and 19 present and not voting.

LEGISLATIVE RESOLUTION 314. Read. Considered.

LR 314 was adopted with 29 ayes, 0 nays, and 20 present and not voting.

MOTION - Approve Appointments

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointments found in the Journal on page 1874: NE Arts Council; Dick Davis, Lois Roskens, Jeanne Smith, Hod Kosman, Gail Walling Yanney, and Jerome I. Cohn. NE Bingo and Pickle Card Regulatory Commission; Wes Voseipka and John LaMalfa.

Voting in the affirmative, 28:

Abboud Barrett Beyer Carsten Chronister
Clark DeCamp Fenger Goll Hefner
Jacobson Johnson, L. Kahle Lundy Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Remmers Schmit Scofield Sieck Von Minden
Wagner Warner Withem

Voting in the negative, 0.

Present and not voting, 12:

Beutler Chambers Eret Goodrich Hannibal
Harris Johnson, R. Lamb Marsh McDonald
Rupp Vickers

Excused and not voting, 9:

Haberman Higgins Hoagland Johnson, V. Kilgarin
Labedz Landis Pirsch Wesely

The appointments were confirmed with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Schmit moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 1882: NE State Highway Commission; James D. Keenan, Paul M. Landow, and George A. Miles. Board of Public Roads Classification and Standards; Joseph W. McNamara, Jr., Blase J. Cupich, Donald Swing, R. Doyle Hanson, Merlin E. Lindahl, James H. Suttle, and Darrel Elmer Berg.

Voting in the affirmative, 31:

Abboud Barrett Beyer Chronister Clark
DeCamp Eret Fenger Goll Hefner
Jacobson Johnson, L. Johnson, R. Kahle Lamb
Lundy Marsh Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Remmers Schmit
Scofield Sieck Von Minden Wagner Warner
Withem

Voting in the negative, 0.

Present and not voting, 9:

Beutler Carsten Chambers Goodrich Hannibal
Harris McDonald Rupp Vickers

Excused and not voting, 9:

Haberman Higgins Hoagland Johnson, V. Kilgarin
Labedz Landis Pirsch Wesely

The appointments were confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1078A. Title read. Considered.

Mr. Kahle moved to indefinitely postpone LB 1078A.

The Kahle motion to indefinitely postpone prevailed with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

MESSAGE FROM THE GOVERNOR

March 28, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1034 was received in my office on March 27, 1984.

This bill was signed by me on March 28, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

SELECT FILE

LEGISLATIVE BILL 970. E & R amendments, AM5364, found in the Journal on page 1573 for the Forty-Fifth Day were adopted.

Messrs. Vickers, Warner, and Ms. Scofield renewed their pending amendment, AM2620, found in the Journal on page 1913.

Mr. Beutler offered the following amendment to the pending Vickers-Warner-Scofield amendment:
AM2651
(Amendments to AM2620)
1. On page 1, line 5, after "on" insert "April 1, 1985" and after the semicolon insert "in line 4 strike 'January 1, 1985'; and".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Beutler amendment lost with 14 ayes, 19 nays, 13 present and not voting, and 3 excused and not voting.

The Vickers-Warner-Scofield amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

MOTHERS OF THE YEAR

Messrs. Barrett, Nichol, and R. Johnson escorted the Mothers of the Year, Mrs. Mary Lou Campbell of Central City, Nebraska, the 1984 Mother of the Year, Mrs. Lupe Hickey of Cozad, Nebraska, the 1984 Young Mother of the Year, and State President of Nebraska Mothers Association of American Mothers, Inc., Mrs. Frey to the rostrum.

Mrs. Campbell and Mrs. Hickey spoke to the members briefly.

SELECT FILE

LEGISLATIVE BILL 970A. Mr. Warner renewed his pending amendment, AM2463, found in the Journal on page 1602.

The Warner amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Warner offered the following amendment:

PURPOSE: To provide for an MBA program at Kearney State College.

AMENDMENT: On page 2, strike section 1.

On page 3, strike section 3.

The Warner amendment lost with 15 ayes, 15 nays, 16 present and not voting, and 3 excused and not voting.

Mrs. Marsh requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORT
Public Health and Welfare

The Public Health and Welfare Committee met in executive session on March 27, 1984 to take action on the following confirmations:

Dr. Greg Wright - Director - Department of Health

Mrs. Helen Boosalis - Director - Department of Aging

Ms. Amy Richardson, Roger Lott - State Foster Care Review Board

Ms. Ella Ochoa, Bernard R. Gyger - Advisory Committee to the Departments of Public Institutions, Public Welfare and Correctional Services

Dr. Craig B. Nelson, James. W. Kenney, Lynn A. Roper, Arlene Rhodes and Larry B. Bartels - State Board of Health

Voting aye: Senators McDonald, Barrett, Wesely, R. Peterson, and Fenger. Absent: Senators Rupp and Withem.

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 1106 in the Journal. No objections. So ordered.

AM2538
(Amendments to Standing Committee amendments, AM2257)

1. On page 14, strike the new matter in lines 15 through 19.

2. On page 31, reinstate the stricken matter and strike the new matter in lines 15 through 24.

3. On page 33, strike the new matter in lines 9 through 13 and insert:

"On or before January 1, 1987, each natural resources district shall prepare a ground water strategy plan for all land areas (a) not then encompassed by a control area or a management area or (b) not subject to a ground water management plan prepared in accordance with this section. Each such strategy plan shall include all information required by this section except the information required by subdivisions (1) and (13) of this section. Each strategy plan shall be submitted to the Department of Water Resources, the Nebraska Natural Resources Commission, and the Conservation and Survey Division of the University of Nebraska at Lincoln for review and comment. Before submitting a strategy plan, the district shall hold at least one public meeting or public hearing specifically for the purpose of receiving public comment.”.

4. Strike section 16 and insert the following new section:

“Sec. 37. There is hereby created the Nebraska Ground Water Planning Fund to be administered by the Nebraska Natural Resources Commission. The fund shall consist of (1) appropriations to such fund by the Legislature, (2) fees, deposits, payments, and repayments relating to the fund, (3) donations, gifts, or other contributions to such fund, and (4) grants from any agency of the federal government. The purpose of the fund shall be to provide financial assistance to natural resources districts in preparing ground water management plans and ground water strategy plans pursuant to section 37 of this act.

Subject to the availability of funds, the Nebraska Natural Resources Commission shall award grants to each natural resources district preparing a ground water management plan or ground water strategy plan. No grant shall exceed fifty per cent of the cost of preparing such a plan. If available funds are not adequate to fund fifty per cent of the estimated cost of preparing the plans required by January 1, 1987, the commission shall allocate the funds to the districts at a lesser percentage.”.

5. On page 37, line 24, strike “2-3263,”.

6. Renumber sections 17 to 37 as sections 16 to 36.

Mr. Newell asked unanimous consent to print the following amendment to LB 981 in the Journal. No objections. So ordered.

AM2610
(Amendments to the Final Reading Copy)

1. Strike original section 19 and insert the following new sections:

"Sec. 20. That section 85-994, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-994. An award may be given to an eligible student for attendance at an eligible postsecondary educational institution if:

(1) The award is made directly to the eligible student rather than to the eligible postsecondary educational institution;

(2) The individual is accepted for enrollment, as follows:

(a) In the case of an individual beginning his or her first year or freshman year of postsecondary education such individual has satisfied requirements for admission and has enrolled or indicated an intent to enroll in an eligible postsecondary educational institution; or

(b) In the case of an individual enrolled in an eligible postsecondary educational institution following the successful completion of the first year, he or she continues to meet the requirements of sections 85-980 to 85-9,102 and has maintained such minimum standards of performance as are required by the institution in which the individual is enrolled;

(3) The maximum award~~, including when applicable, federal matching funds, paid to an eligible student in any one school year,~~ shall be the lesser of the following amounts:

(a) ~~One thousand eight hundred dollars~~ An amount to be set each year by the commission after consideration of the federal Pell Grant authorization limitation; or

(b) ~~The~~ One half the actual tuition ~~charge~~ and fees charged at the eligible postsecondary educational institution selected by the eligible student. Notwithstanding this measure of the amount of the award by the amount of the actual tuition charge, the award paid to the student may be used by the student for any educational expenses;

(4) The award is given on the basis of substantial financial need;

(5) The award covers one school year of attendance as an undergraduate student at an eligible postsecondary educational institution which has adopted and has available for inspection its refund and repayment policies;

(6) The individual receiving such an award signs a notarized affidavit stating that the award will be used only for educational expenses;

(7) The individual is not pursuing a course of study which is pervasively sectarian and creditable toward a theological or divinity degree; and

(8) The individual has complied with such rules and regulations as may be established by the commission.

Sec. 21. That section 85-999, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-999. The commission shall be responsible for:

(1) Supervision of the issuance of public information concerning sections 85-980 to 85-9,102;

(2) Determination of criteria for the eligibility of grantees;

(3) Adoption of rules and regulations for processing and approving applications from students;

(4) Determination of recipients of grants made pursuant to sections 85-980 to 85-9,102; ~~and~~

(5) Determination of the effective date of grants made pursuant to sections 85-980 to 85-9,102; and

(6) Determination of criteria for setting the size of the grants which shall be awarded after the commission considers the maximum grant authorized, the eligibility of applicants, the funds available, and the costs of attending the various eligible institutions.".

2. On page 1, line 3, strike "and 85-974," and insert "85-994, and 85-999,".

3. On page 2, line 1, after the second semicolon insert "to change provisions relating to award requirements as prescribed;".

4. On page 23, line 8, strike "and 85-974," and insert "85-994, and 85-999,".

5. On page 12, lines 14 and 27, page 8, line 8, page 14, line 5, page 16, line 3, and page 17, lines 13 and 24, strike "20" and insert "19".

6. Renumber the remaining sections

accordingly.

SELECT FILE

LEGISLATIVE BILL 902. E & R amendment, AM5365, found in the Journal on page 1574 for the Forty-Fifth Day was adopted.

Mr. Wesely renewed his pending amendment, AM2595, found in the Journal on page 1929.

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 904. E & R amendment, AM5377, found in the Journal on page 1654 for the Forty-Seventh Day was adopted.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 916. E & R amendments, AM5381, found in the Journal on page 1655 for the Forty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE RESOLUTION 235. E & R amendments, AM5382, found in the Journal on page 1655 for the Forty-Seventh Day were adopted.

Mr. Beutler offered the following amendment:
AM2640

1. On page 5, lines 9 and 19, strike "discipline" and insert "disciplinary action"; in line 20 strike "and" and insert "or"; in line 21 strike "defending" and insert "reciting"; and in line 22 after the period insert a new paragraph as follows:

"When the Commission on Judicial Qualifications determines that disciplinary action is not warranted, and the existence of any investigation or complaint has become publicly known, the judge against whom a complaint has been filed or investigation commenced may waive the confidentiality of papers and proceedings under this subsection.".

The Beutler amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Messrs. Pappas, Wesely, and Warner asked unanimous consent to print the following amendment to LB 679 in the Journal. No objections. So ordered.

AM2622
(Amendments to Final Reading Copy)

1. Insert new sections as follows:

"Sec. 17. That section 76-1002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1002. Transfers in trust of real property may be made to secure (1) existing debts or obligations created simultaneously with the execution of the trust deed, (2) future advances necessary to protect the security, (3) any future advances to be made at the option of the parties, or (4) the performance of an obligation of ~~the performance of an obligation of the trustor or~~ any other person named in the trust deed to a beneficiary. All right, title, interest, and claim in and to the trust property acquired by the trustor, or his or her successors in interest, subsequent to the execution of the trust deed, shall inure to the trustee as security for the obligation or obligations for which the trust property is conveyed in like manner as if acquired before execution of the trust deed.

Sec. 19. That section 76-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1005. (1) A power of sale may be conferred upon the trustee which the trustee may exercise and under which the trust property may be sold in the manner provided in sections 76-1001 to 76-1018 after a breach of an obligation for which the trust property is conveyed as security; or~~,~~ at the option of the beneficiary~~,~~ a trust deed may be foreclosed in the manner provided by law for the foreclosure of mortgages on real property. The power of sale must be expressly provided for in the trust deed.

(2) Prior to the execution of any trust deed

which confers a power of sale to the trustee, the beneficiary shall obtain a written acknowledgement from the trustor stating that the trustor understands that (a) the document to be executed is a trust deed and not a mortgage and (b) the power of sale provided for in the trust deed provides substantially different rights and obligations to the trustor than a mortgage in the event of a default or breach of obligation. Failure to obtain such written acknowledgement shall nullify the conferring of or exercising of such power of sale.

Sec. 22. That section 76-1011, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1011. The trustee shall apply the proceeds of the trustee's sale, first, to the costs and expenses of exercising the power of sale and of the sale, including the payment of the trustee's fees actually incurred not to exceed the amount which may be provided for in the trust deed, second, to payment of the obligation secured by the trust deed, third, to the payment of junior trust deeds, mortgages, or other lienholders, and the balance, if any, to the person or persons legally entitled thereto.".

2. On page 17, line 18, strike "Any", show as stricken, and insert "Each" and strike "may", show as stricken, and insert "shall"; and in line 20 strike "any", show as stricken, and insert "each" and after "person" insert "who is".

3. On page 18, line 19, strike "76-1004" and insert "76-1002, 76-1004, 76-1005"; and in line 20 strike "and 76-1008" and insert "76-1008, and 76-1011".

4. On page 1, line 1, strike "registers of"; in line 4, strike "76-1004" and insert "76-1002, 76-1004, 76-1005" and strike "and"; in line 5 after the first comma insert "and 76-1011,"; and in line 11 after the second semicolon insert "to change a provision relating to transfers in trust of real property; to change provisions relating to the sale of trust property;".

5. Renumber remaining sections accordingly.

Mr. Pappas asked unanimous consent to print the following amendment to LB 956 in the Journal. No objections. So ordered.

On page 3, line 12 after the word "Fund", insert the words, "The County Treasure shall not retain any of the funds which are intented to be distributed back for property tax relief."

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 809A. Placed on Select File.
LEGISLATIVE BILL 956A. Placed on Select File.

LEGISLATIVE BILL 1106A. Placed on Select File as amended.
E & R amendments to LB 1106A:
AM5416

1. On page 2, lines 4 and 15; and page 3, line 2 before "Natural" insert "Nebraska".

2. Because the operative date of LB 1106 is February 15, 1985, on page 2, lines 2, 10 to 11, 14, and 23; and page 3, line 1, strike "July 1, 1984" and insert "February 15, 1985".

LEGISLATIVE BILL 1127A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Eret asked unanimous consent to have his name added as co-introducer to LB 904. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 325.

Introduced by Landis, 46th District.

PURPOSE: Twenty-eight of Nebraska's ninety-three counties are currently organized under the township system. Several of these counties have experienced difficulties with the township system because of changes over time in the nature of the tasks executed by townships and other governmental subdivisions. Offices have gone unfilled for lack of candidates, the duties and authorities of those holding office are not always clear, and the statutory procedure required to adopt another form of administration acts as a deterrent to reorganization. The purpose of this study is to assess the advisability of legislation in this area. In order to accomplish this purpose the following topics shall be studied:

1. The current township system including, but not limited to:

a. Election Procedures and the counties' recent experience in filling

elective offices;
b. The scope of authority and distribution of powers within the township system;
c. The relationship between townships and other governmental subdivisions within counties;
d. Current procedural requirements for dissolution of a township system; and
e. The transfer of duties, assets, and obligations upon dissolution of a township system;
2. Alternative systems of county organization, including:
a. The county commissioner system; and
b. Systems used in other states;
3. The advantages and disadvantages of alternative systems; and
4. Any other matters necessary for a complete analysis of the issue

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veteran Affairs Committee of the Legislature shall be designated to conduct an interim study and to hold any public hearings necessary to carry out the purposes of this resolution.

2. That the Government, Military and Veteran Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1985 session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 326.

Introduced by Landis, 46th District.

PURPOSE: The purpose of this study is to examine the effect of the underground economy on business in the state of Nebraska and to provide for possible solutions. It is common knowledge that there are services exchanged for cash with no record of the transaction. Because of the lack of a record, many of these individuals file no tax returns on the income and thereby pay no tax on it. These underground services also do not pay various employer taxes such as withholding and social security. With the reduction in these payments, many of these "businesses" can undercut legitimate business in Nebraska. Specifically, the study should review the implication of the underground services and improve the regulation of these businesses or provide for a better tax compliance by them.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Revenue Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 962. E & R amendments, AM5385, found in the Journal on page 1667 for the Forty-Eighth Day were adopted.

Mr. Carsten renewed his pending amendment, AM2365, found in the Journal on page 1450.

Mr. Carsten asked unanimous consent to withdraw his pending amendment, AM2365, found in the Journal on page 1450. No objections. So ordered.

Mr. Warner renewed his pending amendment, AM2360, found in the Journal on page 1457.

The Warner amendment was adopted with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Carsten renewed his pending amendment, AM2449, found in the Journal on page 1595.

The Carsten amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Carsten renewed his pending amendment, AM2553, found in the Journal on page 1797.

The Carsten amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 327.

Introduced by Vickers, 38th District; Wesely, 26th District.

PURPOSE: The purpose of this study is to examine the potential impact to Nebraska's natural resources because of the deployment of 100 "Peacekeeper" (M-X) missiles in existing Minuteman silos in western Nebraska and eastern Wyoming. In 1982, the United States Congress refused to accept the President's proposal for basing the M-X missile, and withheld funds until such a basing mode could be accepted by Congress. As a result of this impasse, the President appointed a Commission on Strategic Forces to review the Strategic Modernization Program for the United States and to recommend basing alternatives for the M-X system. On April 11, 1983, the President's Commission on Strategic Forces recommended the M-X be deployed in existing Minuteman silos. The commission also recommended that: 1) "Vigorous research and technology development of ABM should be pursued;" and 2) "A specific program to resolve the uncertainties regarding silo or shelter hardness should be undertaken, leading to later decisions about hardening M-X in silos and deploying a small single-warhead ICBM in hardened silos or shelters." These recommendations would expand the scope of the current basing proposal. It would increase the defensive structure of the missiles by superhardening the existing silos and providing an ABM system to protect the "Peacekeepers" from incoming missiles.

Currently, the potential impact of an ABM system and superhardening of the silos is unknown but may have a potentially adverse impact on Nebraska's natural resources thereby affecting the state's agricultural economy and societal well-being. The recommendations of the President's commission were not included in the "Final Environmental Impact Statement for Peacekeeper in Minuteman Silos." Because of the strong recommendation by the President's commission and the lack of a review by the Environmental Impact Statement, this study should analyze the possible implementation of these recommendations and the impact they would have on the natural resources of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military & Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Government, Military & Veterans Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 328.

Introduced by Remmers, 1st District; Beyer, 3rd District.

PURPOSE: The purpose of this resolution is to study the salary schedule for the Nebraska State Patrol.

In order to accomplish this purpose the following topics shall be studied:

(1) Is the salary schedule for state troopers adequate or inadequate?

(2) How does the salary schedule compare with salary schedules for other law enforcement officers in Nebraska and state troopers in other states?

(3) How have the differences between Nebraska's salary schedule and other law enforcement salary schedules affected staff turnover and morale?

(4) How do Nebraska's reimbursement policies for uniform purchases and expenses compare with similar policies for other law enforcement agencies?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 994 and 994A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 994

The following changes, required to be reported for publication in the Journal, have been made:

ER0217

1. In the Vickers amendment found on page 1799 of the Journal and adopted March 22, 1984, on page 1, line 3, "effective date of this act" has been struck and "operative date of this section" inserted.

2. In the Vickers amendment, AM2541, adopted March 22, 1984, on

page 1, line 5, "23" has been struck and "21" inserted, and "25" has been struck and "23" inserted; in line 9 "25" has been struck and "23" inserted, "79-101," has been inserted after "sections", and "and" has been inserted after the last comma; in line 10 "and 79-328," has been struck; in line 12 "79-201" has been struck and "79-101" inserted; and in line 13 "second" has been struck and "first" inserted.

3. In the Vickers amendment found on page 1796 of the Journal and adopted March 22, 1984, amendment 1.k. has been struck.

4. In lieu of the Lamb amendment found on page 1397 of the Journal and adopted March 22, 1984, in the Standing Committee amendments, section 15 and all amendments thereto have been struck and the remaining sections renumbered accordingly.

5. In the E & R amendments, AM5331, adopted March 22, 1984:

a. Amendment 1 has been struck; and

b. On page 5, line 8, "3" has been struck and "2" inserted, and "stipends" has been struck and "of" inserted; in line 9 the first and second commas have been struck, and "in line 3" has been inserted after the second "and"; and in line 10 "funds" has been struck and "a fund" inserted.

6. In the Standing Committee amendments, AM2088, adopted March 1, 1984:

a. On page 17, lines 3 and 4; page 21, lines 4 and 5; and page 34, line 16, "effective date of this act" has been struck and "operative date of this section" inserted;

b. On page 17, line 14; and page 25, lines 2 and 14, "to" has been struck and "in" inserted;

c. On page 22, line 9, after "private" an underscored comma has been inserted;

d. On page 39, line 18, "7" has been struck and "8" inserted; in line 21 "section 15 of this act," has been struck; and in line 22 the first comma has been struck.

7. On page 1, line 4, "79-1340," has been struck.

8. On page 2, line 3, "stipends" has been struck; and in line 8 "to provide operative dates;" has been inserted before "to".

Enrollment and Review Change to LB 994A

The following changes, required to be reported for publication in the Journal, have been made:

ER0218

1. The E & R amendment, AM5397, has been struck.

2. In the Vickers amendment found on page 1545 of the Journal, the matter beginning with "Strike" in line 1 through the period in line 2 has been struck.

3. In order to accomplish the intent of the Vickers amendment found on page 1809 of the Journal, on page 3, the matter beginning with

"Entry-Year" in line 20 through "(c)" in line 23 has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 761. E & R amendments, AM5386, found in the Journal on page 1668 for the Forty-Eighth Day were adopted.

Mrs. Marsh asked unanimous consent to withdraw her pending amendment, AM2419, found in the Journal on page 1575. No objections. So ordered.

Mrs. Marsh renewed her pending amendment, AM2546, found in the Journal on page 1782.

The Marsh amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Fenger renewed his pending amendment, AM2609, printed separate and found in the Journal and referred to on page 1929.

Mr. Fenger offered the following amendment to his pending amendment:

1. On page 9, line 21, strike "board" and insert "department".
2. On page 4, strike subsection (5), lines 15 through 21.

The Fenger amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Beutler offered the following amendment to the pending Fenger amendment:

Add the following new section:

Nothing in this act shall be construed to prevent an unlicensed person from performing the functions described in subsection (2) of Section 30.

The Beutler amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Beutler offered the following amendment to the pending Fenger amendment:

On page 3 line 14 delete the word "an" and insert the words "a licensed"

The Beutler amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

The pending Fenger amendment, as amended, was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 761A. Mrs. Marsh offered the following amendment:

On page 2, in line 2, strike "6,949" and insert "5,749"; in line 3, strike "3,917" and insert "3,117".

The Marsh amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh offered the following amendment:

Section 2. There is hereby appropriated (1) $11,225 from the Occupational Therapy Licensing Cash Fund for the period July 1, 1984, to June 30, 1985, and (2) $11,367 from the Occupational Therapy Licensing Cash Fund for the period July 1, 1985, to June 30, 1986, to the Department of Health for Program 177 to aid in carrying out the provisions of Legislative Bill 761, Eighty-eighth Legislature, Second Session, 1984. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed $6,696 for the period July 1, 1984, to June 30, 1985, nor $7,232 for the period July 1, 1985, to June 30, 1986.

The Marsh amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 838. E & R amendment, AM5384, found in the Journal on page 1669 for the Forty-Eighth Day was adopted.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 886. E & R amendment, AM5387, found in the Journal on page 1670 for the Forty-Eighth Day was adopted.

Mr. V. Johnson offered the following amendment:
AM2657

1. Insert the following new sections:

“Sec. 4. That section 68-138, Revised Statutes Supplement, 1983, be amended to read as follows:

68-138. Any person whose application for ~~general~~ assistance, made pursuant to section 68-104 or sections 68-131 to 68-148, is denied or whose continuing ~~general~~ assistance ~~payment~~ is terminated or reduced shall, at the time of the denial, termination, or reduction, be given a written notice of the specific reasons for such denial, termination, or reduction. Such notice shall also inform the person of the right to a hearing to review the denial, termination, or reduction and the procedures for requesting such hearing.

Sec. 5. That section 68-139, Revised Statutes Supplement, 1983, be amended to read as follows:

68-139. Any person whose claim for general assistance or medical services (1) has not been acted upon within the time established by section 68-133, (2) has been denied, (3) has not been granted in full, or (4) has been reduced or terminated may request a hearing on such action or inaction before the county board or, if the county board so delegates as allowed by section 68-133, before an employee of the county.

Sec. 6. That section 68-140, Revised Statutes Supplement, 1983, be amended to read as follows:

68-140. A person requesting a hearing pursuant to section 68-139 shall have the following rights:

(1) To examine the county ~~general assistance~~ file pertaining to his or her case prior to and during the hearing;

(2) To be represented in the proceedings by a lawyer, friend, relative, or anyone else he or she may select;

(3) To present evidence; and

(4) To confront and cross-examine witnesses.”.

2. On page 3, line 8, after “guidelines” insert “and shall not be less than the eligibility

standards for general assistance adopted pursuant to section 68-133".

3. On page 4, line 26, after "68-137" insert "to 68-140".

4. Renumber the remaining sections accordingly.

Mr. Kahle requested a division of the question on the V. Johnson amendment.

The Chair sustained the division of the question.

The first V. Johnson amendment is as follows:

1. Insert the following new sections:

"Sec. 4. That section 68-138, Revised Statutes Supplement, 1983, be amended to read as follows:

68-138. Any person whose application for ~~general~~ assistance, made pursuant to section 68-104 or sections 68-131 to 68-148, is denied or whose continuing ~~general~~ assistance ~~payment~~ is terminated or reduced shall, at the time of the denial, termination, or reduction, be given a written notice of the specific reasons for such denial, termination, or reduction. Such notice shall also inform the person of the right to a hearing to review the denial, termination, or reduction and the procedures for requesting such hearing.

Sec. 5. That section 68-139, Revised Statutes Supplement, 1983, be amended to read as follows:

68-139. Any person whose claim for general assistance or medical services (1) has not been acted upon within the time established by section 68-133, (2) has been denied, (3) has not been granted in full, or (4) has been reduced or terminated may request a hearing on such action or inaction before the county board or, if the county board so delegates as allowed by section 68-133, before an employee of the county.

Sec. 6. That section 68-140, Revised Statutes Supplement, 1983, be amended to read as follows:

68-140. A person requesting a hearing pursuant to section 68-139 shall have the following rights:

(1) To examine the county ~~general assistance~~ file pertaining to his or her case prior to and during the hearing;

(2) To be represented in the proceedings by a lawyer, friend, relative, or anyone else he or she may select;

(3) To present evidence; and

(4) To confront and cross-examine witnesses.".

3. On page 4, line 26, after "68-137" insert "to 68-140".

4. Renumber the remaining sections accordingly.

The first V. Johnson amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The second V. Johnson amendment is as follows:

2. On page 3, line 8, after "guidelines" insert "and shall not be less than the eligibility standards for general assistance adopted pursuant to section 68-133".

Pending.

VISITORS

Visitors to the Chamber were Beth Pinkerton and Susan Schoeneber from Lincoln; 31 students and teachers from Bladen Public School, Bladen; Mr. Bob Morris from Norfolk; Mrs. Jay Trofholz and son Evan from Columbus; 30 eighth grade students and teacher from Christ the King School, Omaha; former Senators Rudy Kokes from Ord, Leslie Stull from Alliance, and Tom Fitzgerald and his wife; Mrs. Marietta Jack, Mrs. Dawn Hopewell, and Mrs. Jeanne Jeep from Tekamah; and 32 second grade students and teachers from Saratoga School, Lincoln.

RECESS

At 11:57 a.m., on a motion by Mrs. Higgins, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, R. Johnson, Nichol, Schmit, Mesdames Labedz, Marsh, and

Ms. Scofield who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 329.

Introduced by the Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Clark, 47th District; Haberman, 44th District; Higgins, 9th District; Labedz, 5th District; Remmers, 1st District; Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to examine generally the conduct of commerce within the State of Nebraska, and to exercise legislative oversight over existing legislation governing the subject. In addition, inquiry may be made into any specific and related areas of concern brought to the attention of the committee which it believes may warrant consideration by the Legislature during the Eighty-Ninth Legislature, first session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1985 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 330.

Introduced by the Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Clark, 47th District; Haberman, 44th District; Higgins, 9th District; Labedz, 5th District; Remmers, 1st District; Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to examine generally the conduct of the banking industry within the State of Nebraska, and to exercise legislative oversight over existing legislation governing the subject. In addition, inquiry may be made into any specific and related areas of concern brought to the attention of the committee which it believes may warrant consideration by the legislature during the Eighty-Ninth Legislature, first session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1985 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 331.

Introduced by the Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Clark, 47th District; Haberman, 44th District; Higgins, 9th District; Labedz, 5th District; Remmers, 1st District; Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to examine generally the conduct of the insurance industry within the State of Nebraska, and to exercise legislative oversight over existing legislation governing the subject. In addition, inquiry may be made into any specific and related areas of concern brought to the attention of the committee which it believes may warrant consideration by the Legislature during the Eighty-Ninth Legislature, first session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1985 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 332.

Introduced by the Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Clark, 47th District; Haberman, 44th District; Higgins, 9th District; Labedz, 5th District; Remmers, 1st District; Schmit, 23rd District.

PURPOSE: The purpose of this resolution is the maintain legislative oversight over the central indexing system enacted by the Legislature in LB 343 (1982), and to specifically inquire into the problem confronting the producers of agricultural products, the purchasers of agricultural products, and agricultural lenders with regard to "double jeopardy", resulting from the purchase of agricultural products upon which a security interest has been filed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1985 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 333.

Introduced by DeCamp, 40th District.

PURPOSE: The purpose of this resolution is to examine transient merchants in Nebraska. Specifically, the study should inquire into:

(1) Whether existing Nebraska law adequately protects consumers who purchase products from such merchants,

(2) Whether existing Nebraska law sufficiently ensures that transient merchants comply with state income and sales tax requirements, and

(3) Whether municipal governments within Nebraska have adequate statutory guidelines and authority to regulate transient merchants within their boundaries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1985 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 334.

Introduced by DeCamp, 40th District.

PURPOSE: The purpose of this resolution is to conduct a study of the Nebraska export industry in general, and to specifically inquire into the need for an export finance capability to help exporters with short-term financing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1985 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 335.

Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to study the feasibility of Nebraska participating in the caucus system for the election of delegates to the National Convention of the respective political parties to nominate the political parties' presidential candidates. In particular, this study shall focus on the advantages and disadvantages of participating in a caucus system and the best and most feasible method of implementing such a system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Government, Military and Veterans Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 336.

Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to study the issues raised by Legislative Bill 661, Eighty-eighth Legislature, Second

Session, 1984, which would allow counties with a population of less than one hundred fifty thousand to adopt a system of personnel administration. The topics for consideration shall include, but not be limited to:

(1) Whether all counties should adopt such a system;

(2) Whether a personnel board should be established and if so, who should comprise the personnel board;

3. Who within the county shall maintain central record keeping;

4. Who currently is maintaining record keeping in compliance with federal and state laws of equal opportunity employment protecting local taxpayers from liability for noncompliance; and

5. An examination of counties who have established a county system of personnel administration and methods of practice.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Government, Military and Veterans Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 886. Mr. V. Johnson renewed his second amendment pending in this day's Journal.

The second V. Johnson amendment lost with 10 ayes, 19 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Kahle offered the following amendment:

Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The Kahle amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 561. E & R amendments, AM5390, found in the Journal on page 1675 for the Forty-Eighth Day were adopted.

MR. KAHLE PRESIDING

Mrs. Morehead renewed her pending amendment, AM2367, found in the Journal on page 1448.

The Morehead amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Messrs. V. Johnson and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem renewed his pending amendment, AM2631, found in the Journal on page 1929.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Withem moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Withem requested a roll call vote on his amendment:

Voting in the affirmative, 18:

Beutler
Beyer
Goll
Haberman
Hannibal
Hefner
Hoagland
Johnson, L.
Marsh
Morehead
Newell
Nichol
Pappas
Peterson, R.
Pirsch
Scofield
Wesely
Withem

Voting in the negative, 23:

Abboud
Barrett
Carsten
Chronister
Clark
DeCamp
Eret
Higgins
Jacobson
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Peterson, H.
Remmers
Rupp
Sieck
Vickers
Von Minden
Wagner
Warner

Present and not voting, 4:

Fenger
Goodrich
Harris
McDonald

Excused and not voting, 4:

Chambers
Johnson, R.
Johnson, V.
Schmit

The Withem amendment lost with 18 ayes, 23 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment:
AM2634
1. On page 1, line 16, strike "or".

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp offered the following amendment to the Beutler amendment:
By adding the following: strike "at" on Pg. 1 line 17 and insert "offered by"

The DeCamp amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The Beutler amendment, as amended, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Speaker Nichol offered the pending V. Johnson amendment, AM2569, found in the Journal on page 1764.

Speaker Nichol offered the following amendment to the V. Johnson amendment:
Page 2, line 21 strike "opthamologists" and insert "optometrists"
Page 2, line 22 strike "optometrist" and insert "opthamologist"

The Nichol amendment lost with 12 ayes, 16 nays, 17 present and not voting, and 4 excused and not voting.

The V. Johnson amendment lost with 7 ayes, 20 nays, 18 present and not voting, and 4 excused and not voting.

Messrs. Hoagland and R. Peterson offered the following amendment:
AM2632
(Amendments to Standing Committee Amendments)
1. On page 2, line 10, after "agents" insert ", excluding corticosteroids and antivirals,".

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp offered the following amendment to the Hoagland-R. Peterson amendment:

Amend the R. Peterson/Hoagland amendment by striking "corticosteroids and"

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The DeCamp amendment lost with 17 ayes, 14 nays, 13 present and not voting, and 5 excused and not voting.

SPEAKER NICHOL PRESIDING

The Hoagland-R. Peterson amendment lost with 9 ayes, 15 nays, 20 present and not voting, and 5 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 337CA.

Introduced by R. Peterson, 21st District; DeCamp, 40th District; Von Minden, 17th District; Fenger, 45th District; Jacobson, 33rd District; Beyer, 3rd District; Clark, 47th District; Schmit, 23rd District; Haberman, 44th District; H. Peterson, 35th District; Pappas, 43rd District; L. Johnson, 15th District; R. Johnson, 34th District; Chronister, 18th District.

A Resolution to propose an amendment to Article VIII, section 1, and by adding to such Article a new section 13, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendments to Article VIII, section 1, and by adding to such Article a new section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that the Legislature shall establish a separate class for land actively devoted to agricultural or horticultural use which shall not include improvements on such land and may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, semi-trailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of said county on personal tangible property. The Legislature shall ~~may~~ enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be determined according to the productivity of ~~that value which such land has for~~ agricultural or horticultural ~~use~~ land without regard to any value which such land might have for other purposes or uses, and may prescribe standards and methods for the determination of the value of other real or ~~other~~ tangible property at uniform and proportionate values. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.

Sec. 13. Beginning January 1, 1986, the maximum amount of ad valorem tax levied on any property for any taxable year shall not exceed one and one half per cent of the actual value of such property as determined by the assessment rolls, except for ad valorem taxes levied for retiring, refunding, or servicing indebtedness approved by the voters according to law. Such limitation may be increased by an affirmative vote of three-fourths of the members of the Legislature or, within a political subdivision, by a majority vote of the electors within such subdivision voting on such issue, except that any such increased limitation shall not be effective for more than one tax year after any such vote.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of

Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to establish separate and distinct classes of property for the purpose of taxation, to provide that land actively devoted to agricultural or horticultural use be valued based on productivity, to limit the amount of tax levied on property, and to authorize increases as prescribed.

For
Against".

Sec. 3, That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend Rule 1, Section 16; Rule 4, Sections 2, 6, 7, and 8; Rule 5, Sections 5 and 9; Rule 6, Sections 3, 4, 5, 6, 7, and 8; and Rule 7, Sections 3 and 7 so as to allow the consideration on final passage of LR 337 without amendment or debate.

Laid over.

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

Governor appointments Thursday, April 5, 1984 1:00 p.m.
Dr. Peter R. Kongstvedt - State Board of Health

Linda Mazour - Rural Health Manpower Commission
D. Perlita A. Narvaez - Rural Health Manpower Commission

(Signed) George Fenger, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 206
March 28, 1984

Dear Senator Landis:

You have asked whether LB 761, Section 15(3) and Section 26, as proposed, or any other statute preclude a father from delivering his own child at home. We have concluded they do not in case of an emergency, but do in nonemergency situations.

LB 761, Section 14 would authorize certified nurse midwives to attend cases of normal childbirth, to provide prenatal, intrapartum and postpartum care, to provide normal obstetrical and gynecological services for women and to provide care for newborns immediately following birth. Section 15(3) (b) would not permit a certified nurse midwife to perform such functions in home deliveries. Under Section 26(1) nothing in the act would prohibit an uncertified person from performing such functions in an emergency situation.

The practice of obstetrics is the practice of medicine and surgery. See, Neb.Rev.Stat. §71-1,102 (Reissue 1981) and State ex rel. Johnson v. Wagner, 139 Neb. 471, 480-482 (1941). Every act or practice falling within the practice of medicine and surgery not specially excepted in Neb.Rev.Stat. §71-1,103 (Reissue 1981) may be performed in this state only by those licensed by law to practice medicine and surgery in the state. There is an exception for persons rendering gratuitous services in cases of emergency. That exception should cover all fathers delivering their own children at home in case of an emergency. We find no exception that would cover all fathers doing so when there is not an emergency. A specific father might be able to practice obstetrics under one of the other exceptions in that statute.

In conclusion, there is an exception in both Neb.Rev.Stat. §71-1,103 and in LB 761 as proposed that would permit a father to deliver his own child at home in an emergency situation. However, we find no authority for him to do so in a nonemergency situation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 1106A in the Journal. No objections. So ordered.

On page 2, line 5, strike "307" and insert "306".

RESOLUTIONS

LEGISLATIVE RESOLUTION 338.

Introduced by Pappas, 42nd District.

PURPOSE:

The purpose of this resolution is to study a plan for the reorganization of public postsecondary education in Nebraska. Trends already established indicate that postsecondary education in Nebraska as well as in the nation as a whole will experience dramatic changes during the remainder of the twentieth century. Enrollment will decrease in the 1980's, programs will be shifted to make adjustments for technology, and education financing will be strained. Overall, society will demand more and more of its educational institutions and postsecondary education will need to be reorganized in the most efficient way. The following plan should be studied to make the most effective use of Nebraska's postsecondary educational institutions in the years ahead:

(1) Three statewide systems of postsecondary education will be organized: The University of Nebraska, Nebraska State Colleges, and the Nebraska Technical Community Colleges;

(2) Three governing boards will exist to guide the systems; and

(3) Each system should be responsible for separate degree programs with statewide concerns.

A reorganization of these institutions will better insure the delivery of needed services and programs to the citizens of the state in an economical fashion.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Education Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 339.

Introduced by Eret, 32nd District; Lamb, 43rd District; L. Johnson, 15th District.

WHEREAS, James Samuel Blackman, a native of Beaver City, Nebraska, served as Assistant Dean of the Engineering College at the University of Nebraska at Lincoln; and

WHEREAS, Mr. Blackman served as a professor of engineering mechanics at the University of Nebraska at Lincoln for thirty-two years; and

WHEREAS, Mr. Blackman was honored during his tenure as a teacher by fellow teachers, students, and the professional engineers of Nebraska; and

WHEREAS, Mr. Blackman dedicated his lifetime to serving the University of Nebraska at Lincoln; and

WHEREAS, Mr. Blackman died March 21, 1984, at the age of seventy-six.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the many years of educational service made to Nebraska by Mr. Blackman.
2. That the Legislature acknowledge the many contributions James Samuel Blackman has made to the students and teachers with whom he has worked.
3. That the Legislature extends its sympathy to the family and friends of James Samuel Blackman.

Laid over.

LEGISLATIVE RESOLUTION 340.

Introduced by Eret, 32nd District; Lamb, 43rd District; L. Johnson, 15th District.

WHEREAS, James W. Harper, served as a professor of mechanical engineering at the University of Nebraska at Lincoln; and

WHEREAS, Mr. Harper served thirty-seven continuous years at the University of Nebraska at Lincoln from 1947; and

WHEREAS, James W. Harper died March 20, 1984.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the many years of educational service made to Nebraska by Mr. Harper.
2. That the Legislature extend its sympathy to the family and friends of James W. Harper.

Laid over.

LEGISLATIVE RESOLUTION 341.

Introduced by Lundy, 36th District; Kahle, 37th District.

WHEREAS, the U.S. Department of Education annually conducts a search for the top public schools in America by comparing the dropout rate, curriculum, activities, community involvement, staff, students, and test scores of public schools; and

WHEREAS, in 1983 Kearney Junior High School was selected as one of the top three public schools in this state and was the only junior high school in that select group; and

WHEREAS, this year Kearney Senior High School is an area finalist for the department's "Top School" title which places Kearney Senior High in the top ten per cent of high schools in this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulate the staff and students at the Kearney junior and senior high schools and the City of Kearney for achieving recognized educational excellence.

2. That a copy of this resolution be sent to the Kearney junior and senior high schools.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 892. Placed on Select File.

LEGISLATIVE BILL 112. Placed on Select File as amended.
E & R amendments to LB 112:
AM5417

1. In the V. Johnson amendments, AM0395, adopted March 26, 1984:

a. On page 1, lines 5 and 23; page 2, lines 7, 11, 12, and 13; page 3, lines 4, 6, 9, and 15; page 4, lines 2 to 3, 4, and 12; page 5, lines 12, 18, and 21 to 22; page 6, lines 6 and 9 to 10; page 8, lines 4 and 6, strike "high risk" and insert "high-risk";

b. On page 4, lines 13, 15, and 24 to 25, strike "High Risk" and insert "High-Risk";

c. On page 4, line 20; page 6, line 16; and page 7, lines 4 and 24, strike "1983-84" and insert "1984-85"; and

d. On page 8, lines 11 and 19, strike "Public Welfare" and insert "Social Services".

2. On page 1, line 1, after the semicolon insert "to state intent;" in line 2 after the semicolon insert "to establish a program;" and after "provide" insert "powers and"; and in line 4 strike "and to

provide for appropriations" and insert "to create a committee; and to appropriate funds".

LEGISLATIVE BILL 457. Placed on Select File as amended.
E & R amendments to LB 457:
AM5418

1. In the Beutler amendment adopted March 26, 1984, underscoring has been added to the words in quotation marks.

2. In the Wesely amendments, AM2331, adopted March 26, 1984:

a. Because of the Beutler amendment, on page 4, line 13, strike "five" and insert "twenty"; and

b. On page 11, line 18, strike "this act" and insert "sections 79-1512, 79-1520, 79-1522.01, 79-1529, 79-1531, 79-1533, or 79-1540"; and in line 20 strike "this act" and insert "July 1, 1984".

3. On page 1, strike beginning with "to" in line 1 through line 4 and insert "relating to the school retirement system; to amend sections 79-1512, 79-1520, 79-1529, 79-1531, 79-1533, and 79-1540, Reissue Revised Statutes of Nebraska, 1943, and section 79-1522.01, Revised Statutes Supplement, 1982; to provide for the transfer and deposit of certain funds; to change certain eligibility, benefit, and annuity provisions; to exclude certain items from budget limitations; to provide an operative date; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 457A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 342.

Introduced by Beyer, 3rd District.

Whereas, the safety of motor vehicles and combinations of vehicles on Nebraska roadways is of paramount importance; and

Whereas, the statutory requirements for safety equipment and standards deserve periodic review and evaluation for effectiveness and responsiveness to the goals of safety; and

Whereas, the statutory requirements for safety equipment and standards should be consistent with federal regulations and new technological changes, and warrants consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study for the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1985 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 343.

Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to study the State of Nebraska's policy regarding workmen's compensation insurance premium rates and the feasibility of potential change in the manner such compensation is provided.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 561. Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 1879. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM2643, found in the Journal on page 1930. No objections. So ordered.

Mr. Withem offered the following amendment:

To amend LB 561, on page 2, line 10 insert after members ", appointed by the Director of Health."

The Withem amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. DeCamp offered the following amendment:

Line 9, page 4 after optometry, and perform an on-site evaluation of the schools and colleges of optometry with whom Nebraska has contracts and may perform other on-site evaluations as determined by the evaluation team.

The DeCamp amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Barrett
Carsten
Chronister
Clark
DeCamp
Goodrich
Hannibal
Higgins
Jacobson
Kahle
Kilgarin
Labedz
Lamb
Landis
McDonald
Morehead
Peterson, H.
Remmers
Rupp
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 10:

Abboud
Goll
Haberman
Hefner
Hoagland
Johnson, R.
Lundy
Pappas
Peterson, R.
Pirsch

Present and not voting, 9:

Beyer
Eret
Fenger
Harris
Johnson, L.
Marsh
Newell
Nichol
Scofield

Excused and not voting, 3:

Beutler
Chambers
Johnson, V.

Advanced to E & R for Engrossment with 27 ayes, 10 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 830. E & R amendments, AM5400, found in the Journal on page 1776 for the Fiftieth Day were adopted.

Mrs. Labedz renewed her pending amendment, AM2286, found in the Journal on page 1333.

Mr. Warner requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the Labedz amendment not germane to the bill.

Mrs. Labedz challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mrs. Labedz moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mrs. Labedz requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 22:

Abboud	Clark	DeCamp	Eret	Fenger
Goodrich	Haberman	Hannibal	Harris	Higgins
Jacobson	Kilgarin	Labedz	McDonald	Newell
Peterson, H.	Pirsch	Rupp	Schmit	Scofield
Wagner	Withem			

Voting in the negative, 21:

Barrett	Beutler	Beyer	Carsten	Goll
Hefner	Johnson, L.	Johnson, R.	Kahle	Lamb
Landis	Lundy	Marsh	Morehead	Pappas
Peterson, R.	Remmers	Sieck	Vickers	Von Minden
Warner				

Present and not voting, 3:

Chronister	Nichol	Wesely

Absent and not voting, 1:

Hoagland

Excused and not voting, 2:

Chambers Johnson, V.

The motion to overrule the Chair lost with 22 ayes, 21 nays, 3 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair was sustained.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Clark asked unanimous consent to have his name added as co-introducer to LB 561. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 344.

Introduced by Withem, 14th District; Fenger, 45th District; Barrett, 39th District; Rupp, 22nd District; Wesely, 26th District; McDonald, 31st District.

PURPOSE: The purpose of this study is to assess the mental health needs of children and adolescents in Nebraska. Specifically the study shall focus on:

(1) The development of a system of community-based care for emotionally disturbed and behaviorally impaired children and adolescents; and

(2) The impact such a system would have on reducing state expenditures and enhancing the ability of the school system to educate the youth of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 345.

Introduced by Business and Labor Committee: Barrett, 39th District, Chairperson; Eret, 32nd District; Goll, 16th District; Labedz, 5th District; McDonald, 31st District; R. Peterson, 21st District; Wesely, 26th District.

PURPOSE: The purpose of this study is to examine current issues concerning the Nebraska Employment Security Law, including reporting by employers of wage and separation information, assumption of experience accounts by business transferees, interest on delinquent contributions, and collection of overpaid benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Business and Labor Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 928.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Changes to LB 928

The following changes, required to be reported for publication in the Journal, have been made:

ER0216

1. In the Hoagland and V. Johnson amendment adopted March 23, 1984, found on page 1825 of the Journal, underscoring has been added to the matter in quotation marks.

2. In lieu of the Newell and Beutler amendment 2 adopted March 23, 1984, found on page 1819 of the Journal, in the Vickers amendment, AM2383, the following new section has been inserted and the remaining sections renumbered accordingly:

"Sec. 4. Any person who, as an authorized representative of a parent or legal guardian, transmits information required by subsections (2) to (4) of section 79-1701 knowing such information to be false shall be guilty of a Class IIIA misdemeanor.

Any person who knowingly gives false information to an authorized representative of a parent or legal guardian, knowing that such information is intended to be transmitted to the State Board of Education, shall be guilty of a Class IIIA misdemeanor.".

3. In the second Beutler amendment adopted March 23, 1984, found starting on page 1816 of the Journal, on page 1, underscoring has been added to all matter to be inserted; in line 4 "subsections (2) to (4) of" has been inserted after "of"; and in line 9 "subsection (2) of" has been inserted after the second "in".

4. In the first Beutler amendment adopted March 23, 1984, found on page 1816 of the Journal, on page 1, underscoring has been added to all matter in quotation marks; and in line 4 "subsection (2) of" has been inserted after the second "of".

5. In the Vickers amendment, AM2526, adopted March 23, 1984:

a. On page 1, line 4, paragraphing and "(3)" has been inserted before "Individuals", and "state" has been inserted after "meet"; in line 8 "(A)" has been struck and "(a)" inserted; in line 10 "(B)" has been struck and "(b)" inserted; in line 11 "this" has been struck and "(2) of this section" has been inserted after "subsection"; in line 19 "parent" has been struck; and in line 20 "of parents or legal guardians" has been inserted after "representatives"; and

b. On page 2, line 2, "subsection (2) of" has been inserted after "in", and "in" has been inserted after "and".

6. In the E & R amendments, AM5391:

a. On page 1, line 8, "subsection (2)" has been struck and "subsections (2) to (4)" inserted; and

b. On page 2, the matter beginning with "in" in line 7 through the semicolon in line 8 has been struck; the matter beginning with the semicolon in line 12 through the last quotation marks in line 13 has been struck; and in line 20 "to provide alternative requirements as prescribed; to provide penalties; to prohibit certain actions;" has been inserted after the semicolon.

7. In the Kilgarin and Scofield amendment adopted March 9, 1984, found on page 1503 of the Journal, the amendments to page 11, lines 2 and 8, of the Vickers amendment, AM2383, have been struck.

8. In the Vickers amendment, AM2383, adopted March 9, 1984:

a. On page 3, lines 13 and 23, "subsection (2)" has been struck and "subsections (2) to (4)" inserted;

b. On page 9, line 12, "following" has been struck and "of subsections (2) to (4) of this section" has been inserted after "provisions"; in line 13 "and" has been struck and "or" inserted; in line 15 "this" has been struck and "such" inserted; and in line 16 "subsection" has been struck and "subsections" inserted;

c. On page 10, line 11, "this subsection" has been struck and "subsections (2) to (4) of this section" inserted; in line 20 "subsections (2) to (4) of" has been inserted after "by"; and in line 21 "or legal guardians" s has been inserted after "parents"; and

d. On page 11, line 11, "(4)" has been inserted before "The"; in line 17 "state" has been inserted after "meet"; and in line 18 "subsections (2) to (4) of" has been inserted after "of".

(Signed) Mary Sommermeyer
E & R Attorney

APPROPRIATIONS COMMITTEE REPORT
LB 1128, LB 1129, and LB 880A

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line-item vetoes of LB 1128, LB 1129, and LB 880A. Pursuant to this review, the Appropriations Committee by majority vote has decided to recommend that the Legislature override the line-item reductions in the amounts noted in the attached listing titled "Appropriations Committee veto Override Recommendations."

Also attached is a revised General Fund Financial Status reflecting the Appropriations Committee recommended veto overrides.

(Signed) Jerome Warner, Chairperson

CEREMONIES

The Legislature was at ease while the former State Legislators were introduced.

UNANIMOUS CONSENT - Member Excused

Messrs. Wesely and Hoagland asked unanimous consent to be excused. No objections. So ordered.

SPEAKER NICHOL PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 913. Placed on Select File as amended.
E & R amendment to LB 913:
AM5419

1. On page 2, line 22, strike "benefitting" and insert "benefiting".

LEGISLATIVE BILL 1027. Placed on Select File as amended.
E & R amendments to LB 1027:
AM5420

1. In the DeCamp and H. Peterson amendment

adopted March 26, 1984, found on page 1888 of the Journal, add underscoring to all matter in quotation marks.

2. In the Special Committee amendments, AM2418, adopted March 26, 1984:

a. For purposes of correlation with section 2, LB1026:

i. On page 1, line 4, after "1983," insert "as amended by section 2, Legislative Bill 1026, Eighty-eighth Legislature, Second Session, 1984,"; in line 15 underscore the second comma; and in lines 19 and 23 strike the comma;

ii. On page 3, remove the underscoring from lines 5 through 13 except for the commas in lines 7 and 8; and in line 13 after "section" insert ", except that any such acquisition which occurs under sections 8-1506 to 8-1510 after July 1, 1987, shall count against the total deposits limitation and the total bank acquisition limitation imposed by this section"; and

iii. On page 9, line 5, strike "8-903," and in line 7 after the comma insert "and section 8-903, Revised Statutes Supplement, 1983, as amended by section 2, Legislative Bill 1026, Eighty-eighth Legislature, 1984,";

b. On page 1, line 4, after "Supplement" insert a comma; and

c. On page 8, line 4, strike "within" and insert "in".

3. On page 1, strike beginning with "section" in line 1 through line 6 and insert "sections 8-905, 8-907, 8-1506, and 8-1507, Revised Statutes Supplement, 1983, and section 8-903, Revised Statutes Supplement, 1983, as amended by section 2, Legislative Bill 1026, Eighty-eighth Legislature, Second Session, 1984; to change provisions relating to certain acquisitions; to provide for the construction of statutes; to define terms; to repeal the original sections; and to declare an emergency.".

(Signed) Rod Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 830. Mrs. Labedz requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 807. E & R amendment, AM5406, found in the Journal on page 1881 for the Fifty-Second Day was adopted.

Mr. Beyer renewed his pending amendment, AM2583, found in the Journal on page 1858.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

The Beyer amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 667. E & R amendments, AM5407, found in the Journal on page 1881 for the Fifty-Second Day were adopted.

Mr. Newell renewed his pending amendment, AM2557, found in the Journal on page 1850.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Newell amendment lost with 24 ayes, 2 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Remmers asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM2577

1. On page 3, line 10, after the period insert "At any time prior to the fulfillment of the order of reimbursement, the court may modify its order on its own motion or on petition by the defendant, after a hearing, based on significant changes of income or circumstances of the defendant."; in line 14 strike "judges" and insert "judge"; strike line 15 and insert "the county court."; and in line 22 strike the first "and" and insert "which may not be impaired by such orders of reimbursement,".

2. On page 4, line 17, after "costs" insert ", which may not exceed thirty-five dollars per day,".

Mr. Beutler offered the following amendment to the pending Beutler amendment:
AM2557

1. Insert a new section as follows:

"Sec. 2. Section 1 of this act shall terminate on July 1, 1988, and shall be repealed in its entirety along with all amendments.".

Mr. Beutler moved for a Call of the House. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

The Beutler amendment to the Beutler amendment was adopted with 27 ayes, 3 nays, 12 present and not voting, and 7 excused and not voting.

The Beutler amendment, as amended, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 803. E & R amendments, AM5408, found in the Journal on page 1881 for the Fifty-Second Day were adopted.

Mr. Newell moved to indefinitely postpone LB 803.

Laid over.

MOTION - Override Veto on LB 1128

Mr. Warner moved pursuant to Rule 6, Section 14, the Appropriations Committee by majority vote, moves that the Legislature override the Governor's line-item reductions for: Section 4, Agency 06 - District Courts, Program 397 - Statewide Probation in Subsection (2); Section 11, Agency 13 - Department of Education, Program 025 - Departmental Administration in Subsection (2) and Program 055 - Private and Vocational Schools and Veterans' Education in Subsection (3) and Program 143 - State Aid and School Food Services and Reserve Teacher Act in Subsection (4) and Program 188 - Fire Safety in Subsection (5) and Program 292 - Special Education in Subsection 6 and Program 293 - Adult Education in Subsection (7) and Program 294 - Vocational Education in Subsection (8) and Program 295 - Vocational Education/Job Training Partnership Act in Subsection (9) and Program 351 - Vocational Rehabilitation in Subsection (10) and Program 352 - Old Age and Survivor's Insurance Disability Determinations in Subsection (11) and Program 401 - Nebraska School for the Deaf in Subsection (12) and Program 402 - Nebraska School for the Visually Handicapped in Subsection (13) and Program 508 - School

Assistance and Support in Subsection (14) and Program 614 - Professional Practices Commission in Subsection (15) and Program 642 - Instructional Television in Subsection (16); Section 23, Agency 25 - Department of Public Institutions, Program 424 - Community Mental Retardation in Subsection (7); Section 29, Agency 31 - Military Department, Program 548 - Tuition Credit Reimbursement in Subsection (4); Section 31, Agency 33 - Game and Parks Commission, Program 549 - Parks Administration and Operation in Subsection (4) and Program 617 - Engineering and Area Maintenance in Subsection (6); Section 32, Agency 34 - Library Commission, Program 302 - Library Development in Subsection (4); Section 47, Agency 49 - Board of Trustees of the Nebraska State Colleges, Program 48 - Office of the Secretary; Section 48, Agency 50-1 Chadron State College, Program 800 Series Chadron State College in Subsection (1) and Agency 50-2 Kearney State College, Program 813 - Nebraska State Safety Center in Subsection (2) (a) and Program 810 Series - Kearney State College in Subsection (2) (b) and Agency 50-3 Peru State College, Program 820 Series Peru State College in Subsection (3) and Agency 50-4 Wayne State College, Program 830 Series - Wayne State College in Subsection (4); Section 49, Agency 51 - University of Nebraska, Central Administration Services in Subsection (1) (a) and University of Nebraska-Lincoln in Subsection (2) and University of Nebraska at Omaha in Subsection (3) and University of Nebraska Medical Center in Subsection (4); Section 52, Agency 54 - Nebraska State Historical Society, Program 541 - Museum Operations in Subsection 4; Section 74, Agency 78 - Commission on Law Enforcement and Criminal Justice, Program 201 - Crime Victim-Witness Assistance in Subsection 4.

Laid over.

MOTION - Override Veto on LB 880

The Appropriations Committee, by a majority vote, moved that the Legislature override the Governor's veto of LB 880.

Laid over.

MOTION - Override Veto on LB 880A

Mr. Warner moved pursuant to Rule 6, Section 14, the Appropriations Committee, by majority vote, moves that the Legislature override the Governor's line-item vetoes to LB 880A in their entirety.

Laid over.

MOTION - Override Veto on LB 1128

Mr. Sieck moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction which reduces the appropriation for Agency 25 - Department of Public Institutions, Program 424, Community Mental Retardation, in Section 23 of LB 1128.

Laid over.

MOTION - Override Veto on LB 1128

Miss Kilgarin and Mrs. Pirsch moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction which reduces the appropriation for Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice, Program 201 - Crime Victim-Witness Assistance, in Section 74 of LB 1128.

Laid over.

MOTION - Override Veto on LB 1128

Mr. Beyer moved to override the Governor's line-item veto of the State Patrol Trooper salary adjustment of $456,565

Laid over.

MOTION - Override Veto on LB 758

Mr. Pappas moved that LB 758 become law notwithstanding the objections of the Governor.

Laid over.

MOTION - Override Veto on LB 1129

Mr. Warner and Ms. Scofield moved pursuant to Rule 6, section 14, that the Legislature override the Governor's line-item reductions which eliminate the funding for the Chadron State College Activity Center, Program 931 in section 21 of LB 1129.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 762 in the Journal. No objections. So ordered.

(Amendments to AM 1972)

1. On p. 2, in line 13 after "the" insert "legislative committee which conducted the public hearing on the statute authorizing the agency to adopt the proposed rule."; and stike beginning with "Legislature's" in line 13 through 14.

2. On p. 4, in line 4 after the period insert: "(a) Subject to the provisions of subsection (b) of this section, an", and strike "An" and show as stricken; in line 5 strike "ten" and insert "twenty"; in line 8 after "by" insert "(1) a majority of the members", and strike beginning with "the" in line 8 through "chairperson" in line 9; in line 10 strike "legislative" and show as stricken and strike beginning with "which" in line 10 through "rule" in line 12; in line 12 before "Governor" insert "(2)", before "a" insert "(3)" and after "or" insert "(4)"; after line 16 insert the following: "(b) A request filed pursuant to subsection (a) (3) or (a) (4) of this section shall be presented to the Governor or the committee within ten days of publication of the proposed rule. If such request is not disapproved by the Governor or by a majority of the members of the committee within 10 days after presentation, it shall be forwarded by the Revisor of Regulations to the agency within twenty days of publication of the proposed rule.

"(c) If the Governor or a majority of the committee disapproves a request pursuant to this section, the person making the request shall be notified thereof in writing within ten days after disapproval."

3. In the E & R amendments, on page 1, line 7 strike the period and insert ", and strike 'Administrative Rules and Regulations Review.' ".

SELECT FILE

LEGISLATIVE RESOLUTION 1CA. Mr. Newell moved to indefinitely postpone.

Mr. Wagner asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Newell motion to indefinitely postpone prevailed with 27 ayes, 13 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 348. E & R amendment, AM5254, found in the Journal on page 907 for the Twenty-Sixth Day was adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM2498, found in the Journal on page 1688. No objections. So ordered.

Advanced to E & R for Engrossment.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 925. Mr. Withem moved to indefinitely postpone.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 341 and 341A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 341

The following changes, required to be reported for publication in the Journal, have been made:
ER0219
1. The Vickers amendment adopted March 26, 1984, found on page 1836 of the Journal, was to the Vickers amendment, AM2374. All amendments to such section 5 have been struck.
2. The remaining sections have been renumbered accordingly.
3. In the Vickers amendment, AM2374, on page 7, line 3, "and" has been struck.

Enrollment and Review Changes to LB 341A

The following changes, required to be reported for publication in the Journal, have been made:
ER0220
1. In the Vickers amendment, AM2604, adopted March 26, 1984:
a. On page 1, line 7, after "Education" a comma has been inserted; and
b. On page 1, line 20; and page 2, line 7, ", which fund is hereby appropriated to the State Department of Education, for Program 143, to aid in carrying out the provisions of Legislative Bill 341, Eighty-eighth Legislature, Second Session, 1984" has been inserted

after "Fund".

(Signed) Mary Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 1106. E & R amendments, AM5401, found in the Journal on page 1868 for the Fifty-Second Day were adopted.

Mr. Rupp renewed his pending amendment, AM2402, printed separate from the Journal and referred to on page 1771.

Messrs. Beyer and Harris asked unanimous consent to be excused. No objections. So ordered.

Mr. Rupp moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Rupp requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Chambers	Chronister	Eret	Higgins	Kilgarin
Labedz	McDonald	Newell	Pirsch	Rupp
Scofield	Vickers	Von Minden	Warner	Withem

Voting in the negative, 18:

Abboud	Carsten	Clark	DeCamp	Goll
Hannibal	Hefner	Jacobson	Johnson, V.	Kahle
Lamb	Landis	Lundy	Morehead	Pappas
Peterson, H.	Schmit	Sieck		

Present and not voting, 6:

Beutler	Fenger	Goodrich	Johnson, L.	Nichol
Peterson, R.				

Excused and not voting, 10:

Barrett	Beyer	Haberman	Harris	Hoagland
Johnson, R.	Marsh	Remmers	Wagner	Wesely

The Rupp amendment lost with 15 ayes, 18 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the Call raised.

Messrs. Landis, Schmit, and Wesely offered the following amendment:
AM2669
(Amendments to Standing Committee amendments, AM2257)

1. On page 3, line 23, strike "project" and after "sponsor" insert "of a project costing more than ten million dollars".
2. On page 29, line 22, after "required" insert "by the Director of Water Resources".

The Landis-Schmit-Wesely amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Von Minden and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Messrs. Landis and Wesely offered the following amendment:
AM2666
(Amendments to Standing Committee Amendments, AM2257)

1. On page 28, line 2, strike "The" and insert "Denial of the" and strike "in" and insert "not demanded by"; in line 6 after "whether" insert "denial of"; and in line 7 strike "in" and insert "demanded by".

Mr. Landis requested a record vote on his amendment.

Voting in the affirmative, 9:

Chambers	Eret	Johnson, L.	Kilgarin	Landis
Morehead	Newell	Rupp	Scofield	

Voting in the negative, 16:

Abboud	Carsten	Chronister	Clark	DeCamp
Goll	Goodrich	Jacobson	Kahle	Lamb
Lundy	Nichol	Pappas	Peterson, H.	Schmit
Sieck				

Present and not voting, 12:

Beutler	Fenger	Hannibal	Hefner	Higgins
Johnson, V.	Labedz	McDonald	Peterson, R.	Vickers
Warner	Withem			

Excused and not voting, 12:

Barrett Beyer Haberman Harris Hoagland
Johnson, R. Marsh Pirsch Remmers Von Minden
Wagner Wesely

The Landis amendment lost with 9 ayes, 16 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Lamb renewed his pending amendment, AM2538, found in this day's Journal.

Mr. Lamb moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud Carsten Chronister Clark DeCamp
Eret Fenger Goll Goodrich Hefner
Jacobson Kahle Lamb Lundy Nichol
Pappas Peterson, H. Peterson, R. Schmit Sieck
Warner

Voting in the negative, 12:

Chambers Johnson, L. Johnson, V. Kilgarin Labedz
Landis Morehead Newell Rupp Scofield
Vickers Withem

Present and not voting, 4:

Beutler Hannibal Higgins McDonald

Excused and not voting, 12:

Barrett Beyer Haberman Harris Hoagland
Johnson, R. Marsh Pirsch Remmers Von Minden
Wagner Wesely

The Lamb amendment lost with 21 ayes, 12 nays, 4 present and not voting, and 12 excused and not voting.

Mr. Beutler asked unanimous consent to withdraw his pending amendment, AM2495, printed separate from the Journal and referred to on page 1694. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1078. E & R amendments, AM5405, found in the Journal on page 1880 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 711. E & R amendments, AM5409, found in the Journal on page 1882 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 711A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 890. E & R amendments, AM5410, found in the Journal on page 1883 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 762 in the Journal. No objections. So ordered.

(Amendment to Standing Committee AM 1972, adopted 3-20-84, Journal page 1700)
1. page 8, line 9 insert following after "comment": without republishing the proposed rule in its amended form.
2. page 8, line 17 strike all of subsection (1) beginning with "The" through "interests;" on line 19

Mr. Vickers asked unanimous consent to print the following amendment to LB 762 in the Journal. No objections. So ordered.

(Amendment to Standing Committee AM 1972, adopted 3-20-84, Journal page 1700)
1. page 4, line 8 strike: "the chairperson" insert: a majority
2. page 4, line 9 strike: "the chairperson" insert: a majority
3. page 4, line 12 strike beginning with the second comma after "Governor" through the period on line 14
page 4, line 12 insert before "Governor": or
page 4, line 12 insert a period after "Governor"
4. page 5, line 23 strike beginning with "In" through "Regulations." on page 6, line 1

RESOLUTIONS

LEGISLATIVE RESOLUTION 346.

Introduced by Scofield, 49th District.

WHEREAS, mining of uranium may begin in northwest Nebraska in the near future; and

WHEREAS, citizens in northwest Nebraska have leased mineral rights to several mining companies under varying terms; and

WHEREAS, the provisions of these leases may be affected by state policy, or the lack thereof, on unitization of mineral leases; and

WHEREAS, Nebraska's current severance tax policy on uranium may have an impact on leaseholders and on the persons granting such mineral leases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Revenue Committee study the impact of state policies on economic regulation of uranium mineral leasing and the economic impact of the state's severance tax policy on producers and persons holding or granting uranium mining leases.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 347.

Introduced by Warner, 25th District.

PURPOSE: To continue legislative review of factors contributing to spiralling health care costs, including those borne by the state, and possible redress. The study should specifically look at such factors as:

(1) Adoption and influence of new technology;

(2) Use of para-professionals for low-cost health care services;

(3) Effectiveness of expenditure review mechanisms;

(4) Primary physician management systems as a potential tool in controlling health services utilization and cost;

(5) Collection, analysis, and reporting of hospital discharge data;

(6) Quality and cost of nursing home services;

(7) Whether rehabilitation programs provide for lower on-going costs for long-term care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the

Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 348.

Introduced by Lamb, 43rd District; Carsten, 2nd District.

PURPOSE: Alzheimer's disease is the fourth leading cause of death among adult Americans. Nebraskans are not immune from this grim fact. Every community in this state has citizens who have or know someone who has Alzheimer's disease. Odds are that more than one half of the patients in Nebraska nursing homes have the disease. With the average age of Nebraskans rising and medical breakthroughs blocking the effects of more common ailments, Alzheimer's disease is on a rising curve and may well be our most significant health problem very soon.

There are a number of problems associated with Alzheimer's disease that lend themselves to public participation. The nature of the disease is such that it affects family members quite severely since the burden of patient care is concentrated in the home. Health insurance does not now cover Alzheimer's disease since insurance companies classify it as mental illness when, in truth, it comes about because of physical deterioration of the brain. Certain legal issues arise between balancing the rights of the victim with what is best for the family. These problems are only a beginning. The effects of Alzheimer's disease on the citizens of Nebraska are not just beginning, they are here. The purpose of this resolution is to study the problems associated with Alzheimer's disease and to propose any possible solutions to these many problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 349.

Introduced by Higgins, 9th District.

PURPOSE: The Purpose of this resolution is to undertake a study and examination of how the State of Nebraska may take advantage of recent changes in the telecommunications field to procure and operate a communications system which cost effective, technologically advanced and which offers greater convenience and services to the Legislature.

The scope of the study should include the adequacy of state statutes and administrative regulations governing the policies and practices of the State Department of Administrative Services' Division of Communications as they relate to the procurement, operation and setting of rates of the Legislature's communications system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 33 fourth grade students and teacher from Wisner-Pilger Schools; Barbara and Lisa Garrett from Gothenberg; and 20 sixth grade students and teachers from Saratoga School, Lincoln.

ADJOURNMENT

At 7:08 p.m., on a motion by Mr. Lundy the Legislature adjourned until 9:00 a.m., Thursday, March, 29, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - MARCH 29, 1984

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 29, 1984

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Vernon Jacobs, Holy Cross Lutheran Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Barrett, Beutler, Haberman, Hoagland, Rupp, Schmit, Sieck, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1836, line 23, strike "Referred to the Executive Board." and insert "Laid over."
The Journal for the Fifty-First Day was approved as corrected.
The Journal for the Fifty-Fourth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 300, LR 313, and LR 314.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1060. Placed on Select File as amended.
E & R amendment to LB 1060:
AM5421
1. On page 1, line 6, strike "and"; and in

line 7 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 930. Placed on Select File as amended.
E & R amendments to LB 930:
AM5422

1. Because the Standing Committee amendments lost, in the Vickers amendments, AM2607, adopted March 26, 1984, strike amendment 1; and on page 1, line 11, strike "capilatization" and insert "capitalization".

2. On page 4, line 23, strike "section" and insert "subsection".

LEGISLATIVE BILL 930A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 350.

Introduced by Sieck, 24th District; Vickers, 38th District; Carsten, 2nd, District.

WHEREAS, a bill has been introduced in the United States House of Representatives to eliminate virtually all authority of local governments and Public Power Districts to protect the interests of consumers of cable television service; and

WHEREAS, House bill 4103 would substantially impair the ability of local governments and Public Power Districts to enforce and benefit from mutually acceptable contractual obligations currently undertaken by local governments and operators of cable television systems; and

WHEREAS, the Federal Communications Commission has taken action to substantially reduce the ability of local governments to insure that the rates charged for cable television services are fair, nondiscriminatory, and competitive; and

WHEREAS, by virtue of LR93 this Legislature previously went on record against a similar bill, Senate bill 66.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature opposes House bill 4103.

2. That the Legislature encourages our Nebraska congressional delegation and all other members of the United States House of Representatives to oppose House bill 4103 and to inform Representative Dingell, Chairperson of the House Energy and

Commerce Committee of their opposition to the bill.

3. That the Legislature encourages our Nebraska congressional delegation to introduce and support legislation aimed at restoring the rights of local governments jeopardized by recent actions of the Federal Communications Commission.

4. That copies of this resolution be sent to the Nebraska congressional delegation, to the United States House of Representatives, and to the League of Nebraska Municipalities.

Laid over.

LEGISLATIVE RESOLUTION 351.

Introduced by Barrett, 39th District.

WHEREAS, Lupe Hickey was born in 1953 in Mexico City, Mexico, came to Dawson County with her parents twenty-six years ago, and became a United States citizen in May 1976; and

WHEREAS, Ms. Hickey and her husband have six children and custody of a nephew; and

WHEREAS, Ms. Hickey assists her husband in the family cattle-processing operation, works part time in a flower shop, is active in her church, is a 4-H leader, and does creative writing for a hobby; and

WHEREAS, Lupe Hickey is the 1984 Young Mother of the Year and will represent Nebraska at the National Conference of American Mothers Incorporated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulate Lupe Hickey on her selection as 1984 Young Mother of the Year.

2. That a copy of this resolution be sent to Lupe Hickey.

Laid over.

MOTION - Approve Appointments

Mr. Fenger moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 1952: Dr. Greg Wright - Director - Department of Health; Mrs. Helen Boosalis - Director - Department of Aging; Ms. Amy Richardson, Roger Lott - State Foster Care Review Board; Ms. Ella Ochoa, Bernard R. Gyer - Advisory Comm. to the Departments of Public Institutions, Public Welfare and Correctional Services; Dr. Craig B. Nelson, James W. Kenney, Lynn A. Roper, Arlene Rhodes, Larry B. Bartels - State Board of Health.

Voting in the affirmative, 26:

Carsten Chronister DeCamp Eret Fenger
Goll Hefner Johnson, L. Johnson, R. Johnson, V.
Lamb Landis Lundy Marsh McDonald
Morehead Newell Nichol Pappas Peterson, H.
Scofield Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 0.

Present and not voting, 14:

Beyer Chambers Clark Goodrich Hannibal
Harris Higgins Jacobson Kahle Labedz
Peterson, R. Pirsch Remmers Vickers

Excused and not voting, 9:

Abboud Barrett Beutler Haberman Hoagland
Kilgarin Rupp Schmit Sieck

The appointments were confirmed with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 112A. Title read. Considered.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Advanced to E & R for Review with 26 ayes, 13 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Members Excused

Messrs. Chambers and Hoagland asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 891. E & R amendment, AM5402, found in the Journal on page 1867 for the Fifty-Second Day was adopted.

Mr. Wesely renewed his pending amendment, AM2497, found in the Journal on page 1692.

Mr. Carsten requested a ruling of the Chair on whether the Wesely amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

The Wesely amendment lost with 5 ayes, 30 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Wesely offered the following amendment:
AM2566

1. Insert the following new section:

"Sec. 3. That section 77-202.46, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-202.46. (1) Commencing January 1, 1981, all persons required by sections 77-1201 and 77-1229~~,~~ to list personal tangible property subject to taxation shall be allowed an exemption for all earthmoving equipment used primarily for agricultural and soil conservation purposes. The amount of the exemption shall be in the same proportion as the usage of the equipment for agricultural and soil conservation purposes bears to the total usage of such equipment for all purposes. The Department of Revenue shall prepare and provide any forms necessary to claim such exemption. Such exemption shall be applied for on a yearly basis by the taxpayer.

Any person seeking an exemption under this section shall apply to the county assessor by January 1 of each year. The county assessor shall examine the application and recommend either taxable or exempt status for the equipment, to the county board of equalization by February 1. The county board of equalization shall have the authority to grant the exemption under this section.

(2) The provisions and penalties of section 77-1232~~,~~ shall be applicable to this section.".

2. On page 4, line 23, strike "section 77-202.06" and insert "sections 77-202.06 and 77-202.46".

3. Renumber remaining sections accordingly.

The Wesely amendment lost with 7 ayes, 17 nays, 22 present and not

voting, and 3 excused and not voting.

Mr. Wagner offered the following amendment:
Amendment to LB 891
On page 2, line 14, strike "beverages" and insert "liquors".

The Wagner amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1692. No objections. So ordered.

Miss Kilgarin offered the following amendment:
Amend LB 891 in the committee amendments in line 1, strike beginning with "beverages" through "or" in line 3.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1692. No objections. So ordered.

Miss Kilgarin requested a record vote on her amendment.

Voting in the affirmative, 15:

Beyer	Chronister	Eret	Goll	Goodrich
Higgins	Johnson, L.	Kilgarin	Labedz	Morehead
Peterson, H.	Rupp	Schmit	Scofield	Withem

Voting in the negative, 17:

Barrett	Carsten	Clark	Hannibal	Hefner
Johnson, R.	Johnson, V.	Kahle	Landis	Lundy
Marsh	McDonald	Remmers	Vickers	Von Minden
Warner	Wesely			

Present and not voting, 14:

Abboud	Beutler	Fenger	Haberman	Harris
Jacobson	Lamb	Newell	Nichol	Pappas
Peterson, R.	Pirsch	Sieck	Wagner	

Excused and not voting, 3:

Chambers	DeCamp	Hoagland

The Kilgarin amendment lost with 15 ayes, 17 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Goodrich requested a machine vote on the advancement of the bill.

Mr. Carsten moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Carsten requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Barrett Beutler Carsten Clark Hannibal
Hefner Johnson, R. Johnson, V. Kahle Lamb
Landis Lundy Marsh Morehead Newell
Nichol Pappas Peterson, R. Pirsch Remmers
Scofield Sieck Vickers Von Minden Warner
Wesely

Voting in the negative, 19:

Abboud Beyer Chronister Eret Fenger
Goll Goodrich Haberman Harris Higgins
Jacobson Johnson, L. Labedz McDonald Peterson, H.
Rupp Schmit Wagner Withem

Present and not voting, 1:

Kilgarin

Excused and not voting, 3:

Chambers DeCamp Hoagland

Advanced to E & R for Engrossment with 26 ayes, 19 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 352.

Introduced by Withem, 14th District; Morehead, 30th District.

PURPOSE: Since the 1960 presidential election, voter registration and voter participation has decreased. Election laws are designed to prevent fraud and abuse by election officials and not to deter the participation of the citizen. The purpose of this resolution is to study all election statutes in order to make any changes necessary to ease and encourage the participation by the citizens of Nebraska in the electoral process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Government, Military and Veterans Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 353.

Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to undertake a joint study by the Judiciary and Government, Veterans and Military Affairs Committees for the utilization of a regional jail system in Nebraska. With the varying quality of jail conditions throughout the state and the exorbitant costs involved in construction of facilities, a regional jail system may provide a solution.

Specifically, the study should examine the following:

(1) The existing conditions of Nebraska's jails;
(2) The current system for handling prisoners;
(3) The various constitutional requirements as to the needs of prisoners;
(4) The potential use for existing facilities under a regional jail plan;
(5) The location process for regional jail facilities;
(6) Possible funding plans for regional facilities;
(7) Whether a regional jail system should be voluntary or mandatory;
(8) The use of sentenced offenders in community work programs; and
(9) The possibility of a regional criminal justice system in Nebraska.

The joint study shall seek financial assistance for its study through grants available through the National Institute of Corrections.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary and Government, Veterans and Military Affairs Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of its study make a

report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 354.

Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to identify technological changes with significant impact on Nebraskans and study changes needed to enable Nebraskans to benefit from the information age. The study shall include, but not be limited to, a study of:

(1) The changing telecommunication and information technology and its application for citizen education and participation in government;

(2) The changing communications needs of citizens and services provided;

(3) The use of information and telecommunications technology in state date collection and analysis;

(4) Developing an environment conducive to thoughtware industries; and

(5) The impact of demographic changes on employment patterns related to technological changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Veterans and Military Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 355.

Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to examine the feasibility of establishing a program of areawide solid waste management, addressing the following issues:

(1) The possibility of using litter tax funds for start-up funds;

(2) The current status of solid waste management in the state, particularly in second-class cities and villages;

(3) The feasibility and cost-effectiveness of incorporating recycling and composing operations into solid waste management; and

(4) The feasibility of some type of state funding to assist with capital costs for paunch manure management equipment and facilities, taking into consideration management options such as digestion, composting, direct land application, and storage facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 356.

Introduced by Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; Fenger, 45th District; Hannibal, 4th District; V. Johnson, 8th District; Lundy, 36th District; Von Minden, 17th District.

PURPOSE: The purpose of this study is to examine the:

1. Types of lotteries and raffles conducted in this state;
2. Regulation, licensure, and taxation of lotteries and raffles in this state;
3. Purposes for which lottery and raffle proceeds may be used;
4. Types of organizations allowed to conduct lotteries and raffles;
5. Existence or necessity for differences in the regulation of lotteries and raffles based on the manner in which and the circumstances under which they are conducted;
6. Conduct of city and county operated lotteries;
7. Roles of state and local governments in the regulation of lotteries and raffles; and
8. Potential existence of any illegal or corrupt practices involved in any lotteries or raffles conducted in this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

3. That the committee conducting this study may, upon conclusion of the study and based upon its recommendations, prepare legislation to be offered for introduction in the 1985 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 357.

Introduced by Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; Fenger, 45th District; V. Johnson, 8th District; Lundy, 36th District; Newell, 13th District; Von Minden, 17th District.

PURPOSE: The purpose of this study is to examine the following:
1. The lack of prosecution of theft and destruction of public library materials;
2. The low priority libraries are given by the county or city attorneys when assistance is needed in prosecution of cases dealing with the theft or destruction of library materials;
3. Any methods to ensure full and complete restitution for the theft or destruction of public library materials; and
4. The potential effects of Legislative Bill 229, Eighty-eighth Legislature, Second Session, 1984.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.
3. That the committee conducting this study may, upon conclusion of the study and based upon its recommendations, prepare legislation to be offered for introduction in the 1985 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 358.

Introduced by Business and Labor Committee: Barrett, 39th District, Chairperson; Eret, 32nd District; Goll, 16th District; Labedz, 5th District; McDonald, 31st District; R. Peterson, 21st District; Wesely, 26th District.

WHEREAS, agreements have been reached on collective bargaining contracts concerning various terms and conditions of employment for fiscal year 1984-85 between the following parties:

1. The Department of Education and the Nebraska Association of Public Employees; and

2. The Department of Education and the Nebraska Department of Education Teachers Association; and

3. The Department of Public Institutions and the American Federation of State, County and Municipal Employees; and

4. The Department of Labor and the American Federation of State, County and Municipal Employees; and

5. The Department of Correctional Services and the Nebraska Association of Correctional Employees; and

WHEREAS, section 48-837, Revised Statutes of Nebraska, 1943, requires legislative approval of such contracts; and

WHEREAS, such contracts represent the product of good faith bargaining between the state agencies and labor organizations which are parties to the contracts.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE, SECOND SESSION, that the Legislature hereby approves such contracts, which approval shall be effective when such contracts are signed by the parties.

Laid over.

LEGISLATIVE RESOLUTION 359.

Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to review the goal, current availability, need for, and effectiveness of various assistance programs in creating an environment that promotes economic self sufficiency, independence, and individual self-reliance among all citizens. The study shall include the following issues:

(1) Energy assistance needs and services;
(2) The needs of immigrants;
(3) The housing needs of elderly and disabled persons;
(4) The needs of migrants;
(5) Native American and Indian reservation needs;
(6) Low interest loans for veterans;
(7) Counseling services for veterans; and
(8) Transitional services for wards of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 360.

Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to examine the availability of comparable hospital cost data. The study should examine the collection, analysis, and reporting of hospital discharge data. The study shall develop a comparative review of hospital costs by diagnostic condition and other patient-related factors. Such cost comparison shall be conducted on a hospital specific basis. Should such comparable data not be available, the study should examine methods to make such data available to the public, including proposals for legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

AM2664
(Amendments to the Final Reading Copy)

1. On page 3, line 2, strike “and”; and in line 16 after “71-1901” insert “; and

(4) Preschool or nursery school shall mean an early childhood program which serves children for more than three consecutive hours at a time, one or more days per week”.

MESSAGE FROM THE GOVERNOR

March 29, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Motor Vehicle Industry Licensing Board, requiring legislative confirmation:

Alan Young, c/o Alan Young Buick, Inc., 421 North 48th Street, Lincoln, NE 68504 464-5976 Term: 3/29/84 to 5/18/86 Succeeds: James H. McDonald, term expired.
Thom K. Cope, Suite 400 Cooper Plaza Building, 211 North 12th Street, Lincoln, NE 68508 476-8877 Term: 3/29/84 to 5/18/86 Succeeds: Sandra Kinsey, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

SELECT FILE

LEGISLATIVE BILL 1117. E & R amendments, AM5403, found in the Journal on page 1870 for the Fifty-Second Day were adopted.

Mr. Hannibal renewed his pending amendment found in the Journal on page 1918.

The Hannibal amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Warner offered the following amendment:
AM2661

1. a. On page 4, strike lines 18 through 24 and insert:

"(2) The authority shall be composed of seven members appointed by the Governor and two ex officio members. The chairperson of the Nebraska Investment Council and the Director of Banking and Finance shall be ex officio members. One member shall be an officer or employee of the state and six members shall be appointed from the general public. The state government member shall serve at the pleasure of the Governor and may serve as a member as long as he or she is a state officer or is employed by the state."; and in line 27 strike "three".

b. On page 5, line 1, strike "members" and insert "member and two ex officio members".

2. a. On page 15, line 20, after "board" insert ", based on the annual audit provided in section 24 of this act,".

b. On page 17, line 3, after the period insert "An independent certified public accountant shall at least once each year audit the books and accounts of the authority.".

3. On page 17, line 3, after the period insert:

"At least once every three years, an independent certified public accountant qualified and experienced in evaluating investments shall audit and evaluate the investment transactions of the authority and submit a report of his or her findings to the Governor and the Clerk of the Legislature.".

Mr. Hannibal requested a division of the question on the Warner amendment.

The Chair sustained the division of the question.

The first Warner amendment is as follows:

2. a. On page 15, line 20, after "board" insert ", based on the annual audit provided in section 24 of this act,".

b. On page 17, line 3, after the period insert "An independent certified public accountant shall at least once each year audit the books and accounts of the authority.".

3. On page 17, line 3, after the period insert:

"At least once every three years, an independent certified public accountant qualified and experienced in evaluating investments shall audit and evaluate the investment transactions of the authority and submit a report of his or her findings to the Governor and the Clerk of the Legislature.”.

The first Warner amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The second Warner amendment is as follows:

1. a. On page 4, strike lines 18 through 24 and insert:

“(2) The authority shall be composed of seven members appointed by the Governor and two ex officio members. The chairperson of the Nebraska Investment Council and the Director of Banking and Finance shall be ex officio members. One member shall be an officer or employee of the state and six members shall be appointed from the general public. The state government member shall serve at the pleasure of the Governor and may serve as a member as long as he or she is a state officer or is employed by the state.”; and in line 27 strike “three”.

b. On page 5, line 1, strike “members” and insert “member and two ex officio members”.

Mr. Warner moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The second Warner amendment was adopted with 25 ayes, 9 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Pappas offered the following amendment:

On page 4, Delete line 27, and on page 5, Delete line 1 thru 3.

On page 12, Delete the word “securing” on line 12.

The Pappas amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 12 ayes, 8 nays, and 29 not voting.

Advanced to E & R for Engrossment with 26 ayes, 14 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 361.

Introduced by Sieck, 24th District; Lamb, 43rd District.

PURPOSE: The purpose of this resolution is to study Nebraska's public schools teacher tenure laws and the evaluation of teachers by school administrators.

The tenure laws in this state have been subject to scrutiny by the Legislature in recent sessions. This study should assess recent policy changes in this area and examine recommendations as to what further changes are necessary to assure that teachers are not released unjustly yet allows public school teachers to be dismissed for reasonable cause.

This study should also review present methods used by school administrators to evaluate teachers. Presently, there is a wide variance as to how different school administrators evaluate teachers on staff. This study should examine which procedures seem to be successful and the committee conducting the study should work with the State Department of Education to promulgate rules and regulations to assure statewide uniformity of evaluation techniques.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Education Committee shall upon the conclusion of its study make a report of its findings together with its recommendations to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 362.

Introduced by Sieck, 24th District.

PURPOSE: The purpose of this resolution is to study and assess alternative methods of providing property tax relief to agricultural landowners.

The present method of assessing farmland at less than its fair market value has provided property tax relief to farmland owners, but it has done so in an unselected and inequitable way, not to mention the constitutional questions surrounding the present method.

There exists a need to explore alternatives which would target property tax relief to current and retired owner-operators, while placing limitations on the benefit any one owner-operator could receive. Such limitations would prevent the bulk of benefit from going to the largest and wealthiest landowners while potentially helping moderate-sized and beginning farmers compete for the land they need to build efficient-sized operations. This would occur by implementing a system that limits relief for large landowners and nonfarm investors on acres beyond a certain point.

This concept represents a compromise between farmland owners and homeowners in rural counties and school districts. Family farmers would get property tax relief, but modest income homeowners would not be forced to finance unlimited amounts of tax relief for wealthy landowners.

This study should determine how such a system should be implemented, including, but not limited to:

(1) Would it be best to exempt limited values of property to create a credit against taxes owed;

(2) Should the size of credit exemptions be uniform statewide or vary by county according to land values; and

(3) How would various approaches affect the balance in each tax district between taxes paid on farmland versus other types of property?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Revenue Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 363.

Introduced by Scofield, 49th District; Rupp, 22nd District; Vickers, 38th District; Morehead, 30th District.

WHEREAS, there are numerous towns in Nebraska with a population of less than twenty thousand; and

WHEREAS, the farm and agricultural community is experiencing numerous problems which have an impact on small towns; and

WHEREAS, a study of the current health and economic situation found in small towns should include options for promoting the quality of life in these communities; and

WHEREAS, a study of the availability, accessibility, affordability, and delivery of services to rural Nebraska should include special focus on:

(a) The effect of federal deregulation on air, phone, train, and truck services;

(b) Job training and retraining assistance, particularly as Nebraska's economy base moves from manufacturing and agriculture to one based on information and technology;

(c) The impact of increased reliance on user fees as a financing mechanism;

(d) Preserving and fostering the sense of community and the will to thrive in all Nebraska communities;

(e) The state's role in assisting with preservation of historical buildings and sites and in recognizing and recording the state's ethnic heritage;

(f) Needs of the aged today and in the future; and

(g) Infrastructure needs and alternatives for financing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 364.

Introduced by Sieck, 24th District; H. Peterson, 35th District.

PURPOSE:

The purpose of this resolution is to study and assess the needs of the elderly and disabled, in both short and long-term care facilities, for appropriate long-term care services. With five per cent of the elderly population residing in long-term care facilities and the number of Nebraska citizens over the age of sixty-five projected to double in the next thirty-five years, it is imperative that health care costs be brought under control.

This study should specifically focus on:

(1) The development of a reimbursement system in the Medicaid Program which will provide a cost-effective continuum of long-term care service;

(2) The development of a certificate of need process which focuses on actual bed need as opposed to the monetary aspects of construction;

(3) The development of a system that provides incentives for the current longevity of ownership of health care facilities. This is to assure adequate funding be available to provide long-term health care; and

(4) The impact the previously enumerated changes would have on the costs of hospital and nursing home care. This study shall seek the input of private sector health care providers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 365.

Introduced by Sieck, 24th District.

PURPOSE: The purpose of this resolution is to study mechanisms for better enforcement of Article XII, section 8, of the Constitution of the State of Nebraska which is the result of the passage of Initiative 300 in the 1982 general election.

It has been recommended that identification of violations of the constitution could be monitored through an occupation tax report. This could be accomplished by requiring corporations to report if they had purchased land or expanded farming operations during the reporting period.

This study should look at other methods of monitoring Article XII, section 8, of the Constitution of the State of Nebraska and assess the penalties for violators. Currently, corporations which buy land illegally only have to sell such land if caught. A stronger penalty should be considered and this study should study all possibilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Agriculture and Environment Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 366.

Introduced by Harris, 27th District.

PURPOSE: (1) The purpose of this resolution is to propose a study over the interim of the entire state corporate, property, sales, and individual income tax structure.

WHEREAS, the recent court rulings in the last few years have radically changed the tax revenue picture and enforcement procedures; and

WHEREAS, new ideas and approaches have been developed by other states in the last seventeen years; and

WHEREAS, rules and regulations have been promulgated without regard for uniformity and consistency year after year to implement the tax laws passed in the last seventeen years; and

WHEREAS, Nebraska's personal income tax is tied to the federal income tax which has been drastically changed in the last seventeen years.

This resolution recommends an interim study to be known as the Tax Fairness Study. Public hearings should be held across the state during the interim to bring public input to the quality of the findings.

(2) With a comprehensive approach, the study will analyze:

(a) The progressivity, regressivity, and proportionality of the income, sales, and property tax from the perspective of the average Nebraskan, the individual proprietorship, and the corporation, as well as their ability to pay, and equality of tax administration among classes of taxpayers;

(b) Questions about "Who pays the tax?", "Who bears the burden of the tax?", "Where the tax shifting is occurring?" and "What is the distribution by income class?";

(c) The impact on income, investment, employment saving, consumption, welfare payments, debt financing, and local government budgets;

(d) The equity of the unitary tax system for foreign corporations and their subsidiaries;

(e) The impact of Nebraska tax laws on small businesses that are in current operation, their growth potential, and the possibility of new business coming into the state or emerging from the expertise of the population;

(f) The trends in tax shifting with special emphasis on analysis of shifting of the tax burden onto the shoulders of Nebraska-based railroad, utility, and communication industries as well as the state's small business and farm operations; and

(g) Recommendations for the future with regard for the tax system which the next generation will inherit. The study will also look at the historical trends that have brought the current tax structure into existence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 367.

Introduced by Sieck, 24th District; Lamb, 43rd District.

PURPOSE: The purpose of this resolution is to study the role of the state and its various entities in the use of chemicals in agronomics. This study should assess the programs presently being administered through state entities such as the University of Nebraska Extension Service and the Department of Agriculture to determine which programs are useful.

The primary thrust of this study shall include, but not be limited to, the area of chemigation that has become a popular method of applying chemicals in recent years. It is recognized that formal and informal education of all aspects of the agricultural sector is important to assure safe usage of chemicals through chemigation.

This study should further review all statutes dealing with the subject of chemical application in all forms of the agricultural sector, as well as assess all educational methods and modifications being suggested by state agencies and other parties from the private sector.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Agriculture and Environment Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 372 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2662.)

SELECT FILE

LEGISLATIVE BILL 762. E & R amendments, AM5404, found in the Journal on page 1880 for the Fifty-Second Day were adopted.

Mr. Newell renewed his pending amendment, AM2555, found in the Journal on page 1850.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Newell amendment was adopted with 26 ayes, 4 nays, 15 present and not voting, and 4 excused and not voting.

Mrs. Higgins offered the following amendment:
To strike the enacting clause on LB 762.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 15:

Abboud
Goodrich
Higgins
Johnson, V.
Kilgarin
Labedz
Landis
McDonald
Morehead
Newell
Remmers
Rupp
Schmit
Warner
Wesely

Voting in the negative, 20:

Beyer
Carsten
Chronister
Clark
Fenger
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Kahle
Lamb
Lundy
Marsh
Pappas
Peterson, H.
Pirsch
Sieck
Von Minden
Wagner

Present and not voting, 9:

Beutler
DeCamp
Eret
Goll
Jacobson

Nichol Scofield Vickers Withem

Excused and not voting, 5:

Barrett Chambers Harris Hoagland Peterson, R.

The Higgins amendment lost with 15 ayes, 20 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Hannibal renewed his pending amendment found in the Journal on page 1996.

Speaker Nichol and Mr. Chronister asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1124. Placed on Select File as amended.
E & R amendments to LB 1124:
AM5423

Because of page and line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. In the Carsten amendment adopted March 26, 1984, found starting on page 1889 of the Journal:

a. On page 1, line 7, strike " 'line 18,' " and insert "beginning with 'line' in line 10 through the last quotation marks in line 14"; in line 11 strike beginning with the first "in" through "22" in line 13 and insert " '; strike beginning with the second '10' in line 15 through the last quotation marks in line 17 and insert '22,"; and

b. On page 2, line 3, strike "(a)"; in line 5 strike ", and" and insert ".'."; and in line 18 strike "will" and insert "shall".

2. On page 1, line 2, after the second comma insert "and" and strike "77-2770,"; strike line 3; in line 4 strike "77-27,119,"; in line 5 strike "sections" and insert "section" and strike "and"; in line 6 strike "77-2769"; in line 7 strike "rename" and insert "redefine"; and in line 9 after "provide" insert "powers

and".

3. On page 6, line 22, strike "19" and insert "18".

4. On page 10, line 8, strike "(i)" and insert "(I)"; in line 9 strike "(ii)" and insert "(II)"; and in line 13 strike "includes, but is" and insert "include, but are".

5. On page 14, line 6, strike "do" and insert "does".

6. On page 49, line 1, strike "Statute" and insert "Statutes".

LEGISLATIVE BILL 852. Placed on Select File as amended.
E & R amendments to LB 852:
AM5424

1. In lieu of the Carsten amendment adopted March 27, 1984, found on page 1916 of the Journal, in the Schmit-Hefner-R. Peterson amendment on page 1, after line 10, insert the following new subsection:

"(3) Subsections (1) and (2) of this section shall apply only when the landowner above tiles directly onto the land of those landowners below who are affected.".

2. In the Schmit-Hefner-R. Peterson amendment adopted March 27, 1984, found on page 1874 of the Journal, delete the underscoring.

3. On page 1, strike beginning with "amend" in line 1 through line 6 and insert "require notice prior to certain construction; and to provide a penalty.".

(Signed) Rod Johnson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 368.

Introduced by Rupp, 22nd District.

PURPOSE: This study shall determine how best to encourage long term ownership of free standing and hospital based nursing homes in Nebraska through an improved and revised Medicaid reimbursement system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 369.

Introduced by Withem, 14th District.

PURPOSE: The purpose of this study is to examine the needs of the cities and counties to build and maintain roads within their respective jurisdictions. The study should examine the current formula for distribution of the State Highway Trust Fund and all other federal and local funding mechanisms in current use to build and maintain city and county roads.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Senator Hannibal's father Russ Hannibal; 26 fourth grade students, sponsors, and teachers from Genoa; 13 fourth grade students and teacher from Benedict; 35 students and teacher from Nebraska City elementary school, District 31; 31 eighth grade students and teacher from Lincoln Christian School; Richard Acton from Zimbabwe; 58 eighth grade students, sponsors, and teacher from Our Lady of Lourdes, Omaha; 65 students, sponsors, and teachers from St. Bernadette's School, Omaha; 6 eighth grade students, sponsors, and teacher from Lake Minatare School, Scottsbluff; and 20 eighth grade students and sponsor from Wakefield.

RECESS

At 12:01 p.m., on a motion by Mr. Clark the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Chambers, Clark, Haberman, Harris, V. Johnson, Landis, Newell, R. Peterson, Sieck, Withem, and Mrs. Higgins who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 841. Title read. Considered.

Standing Committee amendments, AM2239, found in the Journal on page 1301 for the Thirty-Ninth Day were adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 941. Considered.

Mr. Kahle asked unanimous consent to withdraw his pending amendment, AM2412, found in the Journal on page 1615. No objections. So ordered.

Mrs. Pirsch moved to suspend the rules, Rule 6, Sec. 3 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 941.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Pirsch motion to suspend the rules prevailed with 30 ayes, 2 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Kahle moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Kahle requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Carsten Eret Goodrich Hefner Hoagland
Johnson, L. Johnson, V. Kahle Kilgarin Lamb
Lundy Marsh Nichol Peterson, H. Peterson, R.
Pirsch Rupp Scofield Sieck Wagner
Warner Wesely

Voting in the negative, 22:

Abboud Barrett Beyer Chronister Clark
DeCamp Fenger Goll Haberman Hannibal
Harris Higgins Jacobson Johnson, R. Labedz
Morehead Pappas Remmers Schmit Vickers
Von Minden Withem

Present and not voting, 3:

Beutler McDonald Newell

Excused and not voting, 2:

Chambers Landis

Failed to advance to E & R for Review with 22 ayes, 22 nays, 3 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 983. Title read. Considered.

Mr. Schmit renewed his pending amendment, AM2393, found in the Journal on page 1803.

The Schmit amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. DeCamp moved to suspend the rules, Rule 6, Sec. 3 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 983.

The DeCamp motion prevailed with 32 ayes, 4 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 27 ayes, 19 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Barrett asked unanimous consent to be excused until he returns. No

objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 270.

Introduced by Wagner, 41st District; Lundy, 36th District; Vickers, 38th District; R. Johnson, 34th District; H. Peterson, 35th District; Jacobson, 33rd District; Rupp, 22nd District.

WHEREAS, the people of Nebraska are proud of the system of technical community colleges that exists in the state; and

WHEREAS, Dr. Chester H. Gausman has for the past eighteen years played an integral part in the development of the technical community colleges of Nebraska; and

WHEREAS, Dr. Chester H. Gausman was instrumental in bringing national attention to Central Community College through the development of individualized instruction; and

WHEREAS, Dr. Gausman recently completed a special assignment as a special educational consultant to the Kingdom of Jordan; and

WHEREAS, Dr. Chester H. Gausman will be retiring on December 31, 1984.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature recognizes the many contributions of this native Nebraskan to enhance quality education in Nebraska in general and specifically the technical community colleges through his leadership as President of Central Community College from July 1, 1966, to April 16, 1984.
2. That a copy of this resolution be presented to Dr. Chester H. Gausman and his family in recognition of his accomplishments and service.

Laid over.

LEGISLATIVE RESOLUTION 371.

Introduced by Beyer, 3rd District.

PURPOSE: The purpose of this resolution is to broadly consider the potential for further renewable energy development in Nebraska. This should include examination of both current hindrances of and the potential for renewable energy development. Specifically, the study should focus on solar energies, waste-to-energy technologies, and cogeneration, especially in public facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Banking, Commerce and Insurance Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 372.

Introduced by Beyer, 3rd District.

WHEREAS, it has been agreed upon by the Superintendent of Law Enforcement and Public Safety and the Director-State Engineer that the responsibilities of the Carrier Enforcement Division be absorbed by the Nebraska State Patrol; and

WHEREAS, current Nebraska law precludes this transfer of enforcement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature conduct an interim study to update existing statutes to facilitate the transfer of the Carrier Enforcement Division of the Department of Roads to the Nebraska State Patrol and all other statutes dealing with carrier enforcement.

2. That the Public Works Committee shall upon the conclusion of the study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 373.

Introduced by V. Johnson, 8th District.

PURPOSE: The purpose of this resolution is to provide for an examination of the benefits and drawbacks of public financing of campaigns for candidates for state office and the feasibility of implementing such a system in the State of Nebraska. This study should focus on the following:

(1) The operation of similar public campaign financing systems in

other states;

(2) The effect that public campaign financing has on interest group influence on elections and policy decisions made by elected officials;

(3) The potential cost to Nebraska of implementing a public campaign financing system;

(4) A method by which such a system may be funded most effectively; and

(5) Identifying funding sources most commonly used by candidates in the absence of public financing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 374.

Introduced by V. Johnson, 8th District.

PURPOSE: The purpose of this resolution is to study the various public assistance programs which are provided for the underprivileged people of Nebraska by the state and its local subdivisions. This study should include, but not be limited to, Medicaid, general assistance, aid to the medically indigent, and low-income assistance programs. Particular emphasis should be placed on the following areas:

(1) The number of people served;

(2) Eligibility criteria which is used;

(3) Payment levels to recipients of assistance;

(4) Program costs to the state and its subdivisions;

(5) Comparison of Nebraska's assistance programs with those of other states; and

(6) Measures which may be taken to improve the manner in which Nebraska provides assistance to the underprivileged including:

(a) An examination of the appropriate role of various agencies and units of local government;

(b) The feasibility of a linkage of the state disability program to the Social Security Administration; and

(c) Any other areas of potential improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 375.

Introduced by V. Johnson, 8th District.

PURPOSE:

The purpose of this resolution is to undertake an interim study of the practicability and feasibility of extending the Nebraska sales tax to include sales of services. As the economy both nationwide and in Nebraska becomes increasingly composed of sales of services and less of sales of tangible property, the issue of extending the sales tax to services has been increasingly discussed as an alternative for the future, especially in view of the changes in the economy which have rendered the property tax less related to ability to pay and the view that income taxes may already be at their limit, thus requiring more emphasis upon sales or consumption-related taxes. The study shall focus on: (1) The technical aspects of a sales tax on services statute and administration; (2) the economic and tax policy aspects of such a tax; and (3) the alternatives for reduction in other taxes that revenue from a sales tax on services would provide.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 376.

Introduced by Hefner, 19th District; Schmit, 23rd District.

PURPOSE: The purpose of this study is to examine the laws in this state governing water drainage and how they apply to rural landowners.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 337. Title read. Considered.

Mr. DeCamp moved to suspend Rule 1, Section 16; Rule 4, Sections 2, 6, 7, and 8; Rule 5, Sections 5 and 9; Rule 6, Section 3, 4, 5, 6, 7, and 8; and Rule 7, Sections 3 and 7 so as to allow the consideration on final passage of LR 337 without amendment or debate.

MR. CLARK PRESIDING

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?"

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

The motion to cease debate prevailed with 26 ayes, 15 nays, and 8 not voting.

Mr. DeCamp requested a record vote on his motion.

Voting in the affirmative, 20:

Abboud Beyer Chronister Clark DeCamp
Fenger Haberman Hefner Jacobson Johnson, L.
Johnson, R. Kahle Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Schmit Von Minden

Voting in the negative, 26:

Barrett Beutler Carsten Eret Goll
Goodrich Hannibal Higgins Hoagland Johnson, V.
Kilgarin Labedz Landis Lundy Marsh
McDonald Morehead Newell Rupp Scofield
Sieck Vickers Wagner Warner Wesely
Withem

Present and not voting, 2:

Harris Lamb

Excused and not voting, 1:

Chambers

The DeCamp motion lost with 20 ayes, 26 nays, 2 present and not voting, and 1 excused and not voting.

SPEAKER NICHOL PRESIDING

The Chair declared the Call raised.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 377.

Introduced by Agriculture and Environment Committee: Haberman, 44th District, Chairperson; Chronister, 18th District; Eret, 32nd District; McDonald, 31st District; Pappas, 42nd District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District.

PURPOSE:

The purpose of this study is to examine the agricultural industries within Nebraska and laws relating to such industries. The study shall include, but not be limited to, the following: Petroleum storage tanks; beginning farmer programs; the laws governing brands and marks on livestock; fructose production; grain warehouses; grain purchases by truckers; and registration of feeds and fertilizers; as well as any other subjects or areas of concern brought to the attention of the Agriculture and Environment Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 378.

Introduced by Agriculture and Environment Committee: Haberman, 44th District, Chairperson; Chronister, 18th District; Eret, 32nd District; McDonald, 31st District; Pappas, 42nd District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District.

PURPOSE: The purpose of this study is to perform an inventory of environmental and ecological conditions in Nebraska and to study Nebraska Laws relating to the environment and ecology. The study shall include, but not be limited to, the following subjects: Pesticides; waste disposal; spent radioactive fuel; and feedlot runoff; as well as any other subjects or areas of concern brought to the attention of the Agriculture and Environment Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 379.

Introduced by Wesely, 26th District.

PURPOSE: The Legislature passed LB 799 in 1982 which established the state's solar and renewable energy income tax credits. Information is now available for the first year of the tax credits and should be available for tax year 1983 by the fall of 1984.

The purpose of this resolution is to examine the data available on Nebraska's solar and renewable tax credits and data which is available from the federal government, the solar energy industry, consumers at large, and the experience of other states, to determine the effectiveness of Nebraska's solar and renewable energy tax credits.

The goal of the study is to determine whether the credits have encouraged the growth of the solar and renewable energy industries in Nebraska, the increased use of solar energy among consumers, and increased awareness of renewable energy among consumers.

The study should also examine whether further incentives are necessary, especially in light of changing federal policy, to encourage the continuing use of renewable energy in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 380.

Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study recycling and resource conservation in Nebraska, including:

(1) Possible amendments to the Nebraska Resource Conservation and Recovery Act (section 81-1140 et seq.);

(2) The feasibility of bringing a small paper mill to Nebraska to recycle waste paper;

(3) Needed efforts to encourage the recycling of organic wastes to turn such waste into rich compost for Nebraska's farmlands;

(4) Existing private and governmental programs to encourage recycling and resource conservation; and

(5) The need for further policies or programs which encourage recycling and resource conservation in Nebraska's public and private sectors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 381.

Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study efforts to conserve energy in Nebraska in both the public and private sector. The study should include:

(1) An assessment of the various efforts to conserve energy in public buildings, such as the school weatherization program and State Energy Office audits of state buildings;

(2) Possible sources of financing needed for weatherization of public buildings;

(3) An assessment of governmental programs designed to encourage energy conservation in the private sector;

(4) The availability of private capital for energy conservation of commercial and residential buildings;

(5) The economic costs and benefits of energy conservation and weatherization; and

(6) The need for further efforts to encourage conservation in the public and private sector.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 382.

Introduced by Wesely, 26th District.

PURPOSE: In recent years some cities have been examining a concept known as a Public Safety Department which would combine the traditional police and fire departments into a single multipurpose department. This state's primary involvement in local police and fire departments is in the area of pension systems. These systems were designed with separate police and fire departments in mind.

The purpose of this study is to examine how the concept of combining police and fire departments into a single Public Safety Department relates to the current pension laws for political subdivisions. The study should examine whether public safety officers should be considered police, firefighters, or a separate category for retirement system purposes and whether state law needs amendment to accommodate the concept of public safety officers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 383.

Introduced by Vickers, 38th District; Hoagland, 6th District; Withem, 14th District; R. Johnson, 34th District.

PURPOSE:

The purpose of this resolution is to study methods of raising teacher's salaries in Nebraska for the purpose of attracting and retaining highly qualified teachers in the state. A highly qualified and proficient teaching core is essential to improve the learning experience which is the heart of quality education. Nebraska currently ranks low in both beginning and average teacher salaries and indications are that the teaching profession is losing many valuable and experienced members to other states and to employment in private business and industry. The study shall consider methods to curb the flow of proficient teachers out of the profession and to attract and recruit talented college students into careers in teaching. The study shall include, but not be limited to, the following topics:

(1) An exploration and examination of state salary-enhancement plans for teachers recently adopted in other states;

(2) Collection and analysis of data regarding the numbers of teachers who are leaving the profession, the educational backgrounds and experience of such individuals, and the starting salaries such individuals receive upon leaving the teaching profession;

(3) Consideration of the incentives which may be appropriate for attracting and retaining new teachers interested in teaching as a career;

(4) Consideration of the relationship between state salary enhancements and the local collective bargaining process;

(5) Consideration of methods of financing state salary enhancement for teachers; and

(6) Consideration of any other matters necessary for a complete analysis of the issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature, with the cooperation and assistance of the State Department of Education and interested groups, shall collect and analyze pertinent data and be

designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 384.

Introduced by Vickers, 38th District.

PURPOSE: The purpose of this resolution is to study various issues concerning special education. The study should include, but not be limited to the following:

(1) State policies for the expedient and efficient provision of mental health and mental retardation services to children;

(2) Intergovernmental coordination and cooperation among state agencies in the provision of required and essential services in light of federal and state laws and practice;

(3) Continuing concerns regarding the costs to the state of funding special education services and possible strategies for managing such costs;

(4) Anticipated unmet needs in various areas of special education programs;

(5) Definition, accounting, and provision of services for unique populations of handicapped children; and

(6) The availability of, and transition to, adult services, vocational training, and employment for handicapped populations in the later years of minority.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 385.

Introduced by Vickers, 38th District.

PURPOSE: The purpose of this resolution is to conduct a study of the areas of excellence at the University of Nebraska, the state college campuses, and the technical community colleges, with emphasis on how these can be further developed to assist in meeting the economic development needs of Nebraska. The study shoud include, but not be limited to, a consideration of the following topics:

(1) The extent of public awareness and utilization, at the state, local, and regional levels, of existing resources in areas of excellence at state postsecondary institutions;

(2) The extent of business and industry awareness and utilization of existing resources in areas of excellence at state postsecondary institutions;

(3) Methods by which cooperation and closer ties between the public, business, and industry and state postsecondary institutions may be utilized to bring about greater use of existing or expanded areas of excellence at such institutions;

(4) Projected future academic and economic development needs of state postsecondary institutions; and

(5) Any other matters relevant to the issue of greater utilization of areas of excellence at state postsecondary institutions by the public and business and industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study, in cooperation with the Department of Economic Development and state postsecondary institutions, to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 386.

Introduced by McDonald, 31st District.

PURPOSE:

To study the relationship between cancer and one's occupation, particularly the relationship between cancer and fire fighting; to identify carcinogens to which firefighters are exposed in the course of their firefighting duties; to study preventive measures and equipment that reduce both the exposure to known carcinogens and the detrimental effects of such exposure; and to determine what benefits, such as pension or workmen's compensation, should be made available to firefighters because of occupationally related cancer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 457 in the Journal. No objections. So ordered.

AM2617
(Amendments to the Wesely amendment, AM2331)

1. On page 11, line 24, strike "This" and insert "Sections 5, 6, and 12 of this act shall become operative on October 1, 1984. The remaining sections of this".

2. On page 12, line 1, strike "79-1531, 79-1533,".

3. Insert the following new section:

"Sec. 12. That original sections 79-1531 and 79-1533, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

4. Renumber original section 12 as section 13.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 350 was referred to the Reference Committee.

MOTION - Override Veto on LB 1128

Mr. Warner renewed his pending motion to override the Governor's line-item reductions on LB 1128, found in the Journal on page 1994.

Mr. Warner moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor?' "

Mr. Warner requested a roll call vote.

Voting in the affirmative, 27:

Barrett	Beyer	Carsten	Chronister	Fenger
Goll	Goodrich	Harris	Hefner	Johnson, L.
Johnson, R.	Kahle	Lamb	Landis	Lundy
Marsh	McDonald	Peterson, H.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Wagner	Warner			

Voting in the negative, 22:

Abboud	Beutler	Chambers	Clark	DeCamp
Eret	Haberman	Hannibal	Higgins	Hoagland
Jacobson	Johnson, V.	Kilgarin	Labedz	Morehead
Newell	Nichol	Pappas	Peterson, R.	Von Minden
Wesely	Withem			

Not voting, 0.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item veto of the Governor.

MOTION - Override Veto on LB 1128

Mr. Sieck renewed his pending motion to override the line-item veto found in the Journal on page 1995 and 1996.

Mr. Chronister asked unanimous consent to add his name to the Sieck motion found on pg 1996 of the Journal. No objections. So ordered.

Mr. Warner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Sieck moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor as stated above?' "

Voting in the affirmative, 44:

Barrett	Beyer	Carsten	Chambers	Chronister
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Harris	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Withem	

Voting in the negative, 3:

Abboud Beutler Wesely

Present and not voting, 2:

Clark Hannibal

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Chair declared the Call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 387.

Introduced by Schmit, 23rd District.

PURPOSE: Nebraska's vast surface and underground water supplies serve much of the state's agricultural and domestic needs. As a result, careful management of this resource is critical to our economic future. The purpose of this study is to evaluate the available tools for surface and underground water quality and quantity management in Nebraska, including incentives for conservation, education, and regulatory options.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 388.

Introduced by Schmit, 23rd District.

PURPOSE: To conduct a review of Nebraska's ethanol industry with particular emphasis on the following issues:

(1) The role of an ethanol industry assistance program in attracting ethanol plants to Nebraska;

(2) Whether the program created by Laws 1981, LB 331, Eighty-seventh Legislature, First Session, to stimulate development of human food products from distillers grain is effectively stimulating such development and should be continued beyond its March 1985 expiration date;

(3) The extent to which ethanol plants add value to grain by processing; and

(4) The environmental role that fuel ethanol plays in reducing the levels of carbon monoxide and lead in Nebraska cities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 389.

Introduced by Schmit, 23rd District.

PURPOSE:

To study issues relating to the public power industry and power consumers in the State of Nebraska, including investigations into the operations of the various power districts in the state, citizen representation, input, and accessibility, short and long term usage and cost projection problems, the use of standby charges, and other related issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this

resolution.

2. That the Public Works Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 390.

Introduced by Beyer, 3rd District.

PURPOSE: Because Nebraska is heavily dependent on outside sources of energy such as coal, petroleum, and natural gas, conservation and management of our energy resources are essential. The purpose of this study is to review current programs and incentives, as well as explore other possibilities for encouraging proper energy conservation and management. Particular emphasis should be placed on the following areas:

(1) A review and analysis of current levels and future needs for low-income weatherization and energy assistance;

(2) A survey of the remaining need for school weatherization activity;

(3) Possible use of energy efficiency standards for appliances and existing housing units; and

(4) An assessment of the existing process for power supply planning.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 391.

Introduced by Newell, 13th District.

PURPOSE: To conduct a study of the kind of strategies this state could undertake to help smaller communities retain the law enforcement personnel whose training was financed by these smaller communities with emphasis on the following issues:

(1) A plan to restructure the academy curriculum so as to provide different levels of training for officers of different size communities;

and

(2) Available means for smaller communities to recoup their investments in the training of law enforcement personnel who leave the community after receiving officer training.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Urban Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 392.

Introduced by Newell, 13th District.

PURPOSE: The purpose of this resolution is to conduct a study on the existing health of the sanitary and improvement district industry and sanitary and improvement district financing with particular attention given to:

(1) Possibility of a sanitary and improvement district defaulting on warrants and bonds;

(2) Probability of a sanitary and improvement district declaring bankruptcy; and

(3) What can be done to prevent these events from occurring.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 393.

Introduced by Newell, 13th District.

PURPOSE: To conduct a study of the kinds of strategies this state could undertake for redevelopment of distressed areas with particular emphasis on the following issues:

(1) The advantages and disadvantages of a state level enterprise zone program; and

(2) The role of tax incentives in the development of distressed areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Urban Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 394.

Introduced by Newell, 13th District.

PURPOSE: To conduct a study to make a determination of the structural integrity of the various infrastructures throughout Nebraska. Some of the infrastructure issues to be studied are the extent of deterioration of bridges, roads, municipal water systems, and waste water treatment facilities.

Additionally, the study shall include what means are available for financing these public improvements especially in our smaller communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Urban Affairs Committee shall upon the conclusion of this study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 395.

Introduced by Landis, 46th District.

PURPOSE:

The purpose of this study is to examine the potential for registration and voting by mail in Nebraska. Other states that have adopted this concept have commented that it has improved voter turnout and has had significant cost savings. Specifically, the study shall review the effect that registration and voting by mail has had on other states and what effect it will have on the election process in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 396.

Introduced by R. Peterson, 21st District.

PURPOSE: The purpose of this study is to assess the ability of hospitals to most efficiently use their employees to provide high quality health care services. Specifically, the study should focus on the necessity of licensure requirements for hospital employees and the necessary safeguards for the public. The study should fully consider the need of small and rural hospitals to fully utilize their employees for quality care and cost effective delivery. The study should review safeguards available through the existing system of licensed practitioners and institutions to insure that high quality services at the lowest cost are available to the public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 397.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Abboud, 12th District; Carsten, 2nd District; Jacobson, 33rd District; Rupp, 22nd District; Sieck, 24th District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study current and proposed methods of valuation of land for property tax purposes. In particular, the study shall focus on the:

(1) Issues and ideas presented in Legislative Resolutions 232 and 233, Eighty-eighth Legislature, Second Session, 1984; and

(2) Impact of the Supreme Court's decision in Kearney Convention Center v. Board of Equalization on the method of valuation used for property tax purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Constitutional Revision and Recreation and Revenue Committees of the Legislature shall be designated to jointly conduct an interim study to carry out the purposes of this resolution.

2. That the Constitutional Revision and Recreation and Revenue Committees shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 398.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Abboud, 12th District; Carsten, 2nd District; Jacobson, 33rd District; Rupp, 22nd District; Sieck, 24th District; Wesely, 26th District. Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; V. Johnson, 8th District; Landis, 46th District; Lundy, 36th District; Pappas, 42nd District; Sieck, 24th District.

PURPOSE: The purpose of this resolution is to study the impact of Legislative Resolution 245, Eighty-eighth Legislature, Second Session, 1984, which, if adopted, would limit the amount of revenue collected by the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Constitutional Revision and Recreation and Revenue Committees of the Legislature shall be designated to jointly conduct an interim study to carry out the purposes of this resolution.

2. That the Constitutional Revision and Recreation and Revenue Committees shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 399.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Abboud, 12th District; Carsten, 2nd District; Jacobson, 33rd District; Rupp, 22nd District; Sieck, 24th District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study the potential impact of Legislative Bill 1081, Eighty-eighth Legislature, Second Session, 1984, which cedes concurrent legislative jurisdiction over crimes and offenses under the laws of this state to the United States over and within all lands dedicated to national park purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Constitutional Revision and Recreation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Constitutional Revision and Recreation Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 400.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Abboud, 12th District; Carsten, 2nd District; Rupp, 22nd District; Sieck, 24th District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study the impact of Legislative Bill 1092, Eighty-eighth Legislature, Second Session, 1984. The study shall focus on the creation of the Threatened and Endangered Species Committee and whether such committee:

(1) Is actually necessary;

(2) Has the powers, functions, and duties necessary to effectively operate within the confines of the Nongame and Endangered Species Act; or

(3) Should be granted any additional powers, functions, and duties to effectively carry out its purpose under the Nongame and Endangered Species Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Constitutional Revision and Recreation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Constitutional Revision and Recreation Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 401.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Abboud, 12th District; Carsten, 2nd District; Jacobson, 33rd District; Rupp, 22nd District; Sieck, 24th District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study the current Nebraska statutes relating to the Game and Parks Commission and their powers, functions, and duties to determine whether any additions, deletions, or amendments to such statutes are necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Constitutional Revision and Recreation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the constitutional Revision and Recreation Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 402.

Introduced by Hoagland, 6th District; L. Johnson, 15th District; H. Peterson, 35th District; Rupp, 22nd District; Remmers, 1st District; Labedz, 5th District; Pappas, 42nd District; Jacobson, 33rd District; Schmit, 23rd District; Nichol, 48th District.

PURPOSE: The purpose of this resolution is to propose an interim study of visitaition rights for person having a significant beneficial relationship with a child, in cases where the child's welfare is being considered by a court with proper jurisdiction. The study shall recognize and consider the fact that children establish relationships with many persons, including but not limited to, grandparents. The study should seek to identify ways to preserve and promote those beneficial and significant relationships involving children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 403.

Introduced by Marsh, 29th District.

PURPOSE: To conduct a study on the following subjects:

(1) Child motor vehicle restraint laws;

(2) Compliance with restrictions on the use of handicapped parking stalls;

(3) The need for a mandatory motorcycle helmet law;

(4) The need for a mandatory seatbelt law;

(5) Is compliance with the fifty-five mile per hour speed limit on the interstate hampered by the ten dollar fine limit for the first ten miles per hour over the speed limit; and

(6) Are there compliance problems with the fifty-five mile per hour speed limit on two-lane highways of the state in comparison to other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 404.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Clark, 47th District; Haberman, 44th District; Higgins, 9th District; Labedz, 5th District; Remmers, 1st District;

PURPOSE: The purpose of this resolution is to examine the existing Nebraska statutes governing the Nebraska Property and Casualty Guarantee Association and the Nebraska Life and Health Guarantee Association, which are responsible for covering losses sustained by insureds should their insurance company become insolvent. In light of the recent disaster concerning the Nebraska Depository Insurance Guaranty Corporation, the statutes creating these entities should be closely looked into, and any necessary improvements or corrections should be considered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 405.

Introduced by DeCamp, 40th District.

PURPOSE: The purpose of this resolution is to conduct an inquire into the feasibility and desirability of enacting statutes to allow group self-insurance pools among Nebraska political subdivisions, such as municipalities, counties, school districts, etc. Under existing Nebraska law, political subdivisions can self-insure individually, but cannot do so jointly with other like governmental units. This study would examine whether such pooling associations should be allowed, and, if so, what form they should take.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1985 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 406.

Introduced by DeCamp, 40th District.

PURPOSE: The purpose of this resolution is to exercise legislative oversight over the activities of the Nebraska Accountability and Disclosure Commission, and the existing statutes and rules and regulations governing the Commission. Specific inquiry should be made into:

1. The possible "chilling" of free speech by the ability of the Commission to attempt to invoke sanctions after the fact with regard to a candidate's campaign statements.
2. The possible improper involvement and/or use of the Commission to assist individual candidates at the expense of other candidates.
3. The extent and propriety of influence by the news media on issues being considered by the Legislature by offering beneficial news coverage to a legislator in exchange for the legislator's support of legislation favored by the newspaper, television station, etc.
4. The extent and propriety of influence by any legislator on news media coverage by offering to support or by offering to influence other legislators to support, legislation favored by the newspaper, TV station, etc. in exchange for news coverage which may be beneficial to the legislator.
5. The extent and propriety of a legislator influencing, or attempting to influence, the vote of another legislator by offering to obtain favorable news media coverage in exchange for support of particular legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1985 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 407.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; V. Johnson, 8th District; Landis, 46th District; Lundy, 36th District;

Pappas, 42nd District; Sieck, 24th District.

PURPOSE: The purpose of this resolution is to undertake a comprehensive study of the overall state and local revenue and tax structure in Nebraska. The study shall examine issues related to revenue and tax structure, including, but not limited to: (1) The relative burdens placed upon property, sales, income, and miscellaneous taxes; (2) the changes in tax incidence upon particular classes of taxpayers due to proposed tax structure changes; (3) the appropriateness of various forms of taxes in view of present economic structure; (4) reviewing present tax exemptions, credits, and preferential rates and whether continuation of such preferences is justified; (5) analysis of the basic uses of different forms of revenue and the present earmarking of certain taxes in terms of the general benefit versus specific benefit theories of taxation; and (6) future trends in tax policy in other states and the federal tax structure. The conduct of the study shall include a broad cross section of various types of taxpayers for their input and no preference shall be given to organized interest groups with registered lobbyists over average taxpaying citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 408.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; V. Johnson, 8th District; Landis, 46th District; Pappas, 42nd District; Sieck, 24th District.

PURPOSE: Political subdivisions currently are allowed to hold up to fifty per cent of their operating budgets in reserve for the next year. Due to the economic conditions within the state and the public concern with taxes funding these surplus accounts, the present cash reserve system should be evaluated to find a more workable and liveable figure.

The purpose of this resolution is to study and evaluate the current method of handling cash reserves of political subdivisions within our state. The study is necessary to determine two things. First, what percentage can be used to create an adequate cash reserve without abusing local taxing power? Secondly, whether political subdivisions should be distinguished because of their future reserve needs and if so, whether the Legislature should separate those entities with different percentage lids?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 409.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; V. Johnson, 8th District; Landis, 46th District; Lundy, 36th District; Pappas, 42nd District; Sieck, 24th District.

PURPOSE: The purpose of this resolution is to conduct an interim study of the present system of financing for highways, roads, and streets in the State of Nebraska. The study shall review the present structure of highway user taxes and fees, including the relative benefits and burdens of such taxes and fees and preferential exemptions, credits, or special rates included therein, and the present distribution of such revenue among the various needs of the state, counties, and cities. The study shall also examine possible alternatives and changes to the present system as well as alternatives which would allow for easier administration and compliance with the overall system of highway financing in this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 410.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Hannibal, 4th District; Hefner, 19th District; V. Johnson, 8th District; Landis, 46th District; Lundy, 36th District; Pappas, 42nd District; Sieck, 24th District.

PURPOSE: The purpose of this resolution is to undertake an interim study of the level, tax incidence, and uses of aircraft fuel taxes in Nebraska. The study shall also examine other user-related taxes which should be considered when examining issues related to aircraft fuel taxes and alternatives for simplifying the present system of large unnecessary refunds so as to reduce the overall initial aircraft fuel tax rate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. H. Peterson asked unanimous consent to print the following amendment to LB 906 in the Journal. No objections. So ordered.

AM2682

1. On page 2, line 20, strike "or" and show as stricken; and in line 26 after "instrument" insert ";
or

(c) The facility to be acquired, leased, or purchased has not received federal or state reimbursement for one year or more prior to the date of such acquisition, lease, or purchase".

Mr. Newell asked unanimous consent to print the following amendment to LB 981 in the Journal. No objections. So ordered.

AM2611
(Amendments to the Final Reading Copy)

1. Insert the following new sections:

"Sec. 21. That section 85-994, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-994. An award may be given to an eligible student for attendance at an eligible postsecondary educational institution if:

(1) The award is made directly to the eligible student rather than to the eligible postsecondary educational institution;

(2) The individual is accepted for enrollment, as follows:

(a) In the case of an individual beginning his or her first year or freshman year of postsecondary education such individual has satisfied requirements for admission and has enrolled or indicated an intent to enroll in an eligible postsecondary educational institution; or

(b) In the case of an individual enrolled in an eligible postsecondary educational institution following the successful completion of the first year, he or she continues to meet the requirements of sections 85-980 to 85-9,102 and has maintained such minimum standards of performance as are required by the institution in which the individual is enrolled;

(3) The maximum award~~, including when applicable, federal matching funds, paid to an eligible student in any one school year,~~ shall be the lesser of the following amounts:

(a) ~~One thousand eight hundred dollars~~ An amount to be set each year by the commission after consideration of the federal Pell Grant authorization limitation; or

(b) ~~The~~ One half the actual tuition ~~charge~~ and fees charged at the eligible postsecondary educational institution selected by the eligible student. Notwithstanding this measure of the amount of the award by the amount of the actual tuition charge, the award paid to the student may be used by the student for any educational expenses;

(4) The award is given on the basis of substantial financial need;

(5) The award covers one school year of attendance as an undergraduate student at an eligible postsecondary educational institution which has adopted and has available for inspection its refund and repayment policies;

(6) The individual receiving such an award signs a notarized affidavit stating that the award will

be used only for educational expenses;

(7) The individual is not pursuing a course of study which is pervasively sectarian and creditable toward a theological or divinity degree; and

(8) The individual has complied with such rules and regulations as may be established by the commission.

Sec. 22. That section 85-999, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-999. The commission shall be responsible for:

(1) Supervision of the issuance of public information concerning sections 85-980 to 85-9,102;

(2) Determination of criteria for the eligibility of grantees;

(3) Adoption of rules and regulations for processing and approving applications from students;

(4) Determination of recipients of grants made pursuant to sections 85-980 to 85-9,102; ~~and~~

(5) Determination of the effective date of grants made pursuant to sections 85-980 to 85-9,102; and

(6) Determination of criteria for setting the size of the grants which shall be awarded after the commission considers the maximum grant authorized, the eligibility of applicants, the funds available, and the costs of attending the various eligible institutions.".

2. On page 1, line 3, strike "and" and after "85-974," insert "85-994, and 85-999,".

3. On page 2, line 1, after the second semicolon insert "to change provisions relating to award requirements as prescribed;".

4. On page 23, line 8, strike "and" and after "85-974," insert "85-994, and 85-999,".

5. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 845. Placed on Select File as amended.
E & R amendments to LB 845:
AM5425

1. In lieu of the Schmit amendment adopted March 27, 1984, found on page 1922 of the Journal, in the Standing Committee amendments, AM1949, on page 8,

line 4, after "parties" insert ". It shall be the duty of the clerk of the district court to compute interest and identify delinquencies pursuant to this section and to report such information to the court".

2. In the Hoagland amendment, AM2627, adopted March 27, 1984:

a. Renumber sections 25, 26, 27, and 31 as sections 31, 32, 25, and 28, respectively;

b. On page 5, line 6, strike "shall"; and in line 7 strike "award" and insert "awards"; and

c. On page 7, lines 24 and 26, strike "On" and insert "In the bill, on".

3. In the Standing Committee amendments, AM1949, adopted March 27, 1984:

a. On page 2, line 5, strike the comma;

b. On page 3, lines 10 and 15, strike "will" and insert "shall"; and

c. On page 7, line 18, after "the" insert "first".

4. On page 1, strike beginning with "infants" in line 1 through "support" in line 5 and insert "proceedings"; in line 7 after the second comma insert "sections 25-1012.02, 43-285, and 43-294, Revised Statutes Supplement, 1982,"; in line 8 before "42-358.02" insert "25-502.01, 25-505.01, 25-821, 25-1011, 42-352,", and after the first comma insert "42-364.04,"; in line 9 after the semicolon insert "to state intent; to define terms; to provide powers and duties; to provide for genetic testing in paternity actions as prescribed; to authorize a setoff against income tax refunds as prescribed; to change provisions relating to civil procedure;" in line 10 strike "a provision" and insert "provisions"; and in the unnumbered line 15 strike "change provisions relating" and insert "provide for standing;".

2. On page 2, strike line 2; in line 3 strike the second "the"; and in line 4 strike "county attorney" and insert "certain attorneys".

3. On page 3, line 7, after "characteristics" insert an underscored comma.

4. On page 18, line 6, after "action" insert an underscored comma.

LEGISLATIVE BILL 845A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

MR. CLARK PRESIDING

MOTION - Override Veto on LB 1128

Miss Kilgarin and Mrs. Pirsch renewed their pending motion to override the Governor's line-item veto found in the Journal on page 1996.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Miss Kilgarin requested a roll call vote on her motion to override.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 24:

Carsten
Chambers
Chronister
Fenger
Goll
Hannibal
Harris
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Lundy
Marsh
Newell
Pirsch
Remmers
Schmit
Sieck
Vickers
Wagner
Warner
Wesely

Voting in the negative, 24:

Abboud
Barrett
Beutler
Beyer
DeCamp
Eret
Goodrich
Haberman
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Labedz
McDonald
Morehead
Nichol
Pappas
Peterson, H.
Peterson, R.
Rupp
Scofield
Von Minden
Withem

Present and not voting, 1:

Clark

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item veto of the Governor.

MOTION - Override Veto on LB 1128

Mr. Beyer renewed his pending motion to override the Governor's line-item veto found in the Journal on page 1996.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 21:

Beyer Chambers Chronister Fenger Goll
Haberman Harris Hefner Higgins Johnson, R.
Johnson, V. Marsh McDonald Nichol Pappas
Peterson, R. Remmers Schmit Sieck Vickers
Von Minden

Voting in the negative, 26:

Abboud Barrett Beutler Carsten DeCamp
Eret Hannibal Hoagland Jacobson Johnson, L.
Kahle Kilgarin Labedz Lamb Landis
Lundy Morehead Newell Peterson, H. Pirsch
Rupp Scofield Wagner Warner Wesely
Withem

Present and not voting, 2:

Clark Goodrich

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item veto of the Governor.

MOTION - Override Veto on LB 1128

Messrs. Hefner, Goll, R. Peterson, Rupp, and Mrs. Labedz moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reductions which reduce the appropriation for Agency No. 33 - Game and Parks Commission, Program No. 549 - Parks-Administration and Operation, in Section 31 subdivision (4) of LB 1128.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 33:

Barrett	Beyer	Carsten	Chronister	Eret
Fenger	Goll	Goodrich	Haberman	Harris
Hefner	Johnson, L.	Johnson, V.	Kahle	Kilgarin
Labedz	Landis	Lundy	Marsh	McDonald
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Remmers	Rupp	Schmit	Scofield
Sieck	Wagner	Warner		

Voting in the negative, 11:

Abboud	Beutler	Hannibal	Higgins	Hoagland
Johnson, R.	Lamb	Pirsch	Vickers	Von Minden
Withem				

Present and not voting, 5:

Chambers	Clark	DeCamp	Jacobson	Wesely

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

MOTION - Override Veto on LB 1128

Mr. V. Johnson moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction to LB 1128 which reduces the appropriation in Section 1, Agency 03 - Legislative Council, Program 122 - Legislative Services in Subsection (1), and Program 123 - Clerk of the Legislature in Subsection (2) and Program 126 - Legislative Research Services in Subsection (3) and Program 127 - Revisor of Statutes in Subsection (4) and Program 501 - Intergovernmental Cooperation in Subsection (5) and Program 504 - Office of Public Counsel (Ombudsmen) in Subsection (6) and Program 638 - Fiscal Aid Program Analysis in Subsection (7), for $1,427,565.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 32:

Beutler Beyer Carsten Chambers Eret
Goodrich Haberman Harris Higgins Hoagland
Jacobson Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Landis Lundy Marsh McDonald
Newell Nichol Pappas Pirsch Schmit
Scofield Sieck Vickers Von Minden Wagner
Wesely Withem

Voting in the negative, 16:

Abboud Barrett Chronister Clark DeCamp
Fenger Goll Hannibal Hefner Johnson, L.
Lamb Peterson, H. Peterson, R. Remmers Rupp
Warner

Present and not voting, 1:

Morehead

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

MOTION - Override Veto on LB 1128

Messrs. Warner and Vickers moved, Pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction to LB 1128 which reduces the appropriation in Section in Subsection (2); Section 11, Agency 13. State Department of Education Program 025; Subsection (2) and Program 055 Subsection (3) and Program 143, Subsection (4) and Program 188, Subsection (5) and Program 292, Subsection (6) and Program 293 Subsection (7) and Program 294 Subsection (8) and Program 295 Subsection (9) and Program 551 Subsection (10), and Program 352 Subsection (11) and Program 401 Subsection (12) and Program 402 Subsection (13) and Program 508 Subsection (14) and Program 614 Subsection (15) and Program 642 Subsection (16) for Special Salaries and Driver's Education.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 34:

Barrett Beyer Carsten Chambers Chronister
Eret Fenger Goll Goodrich Haberman
Harris Hefner Higgins Johnson, L. Johnson, R.
Kahle Kilgarin Lamb Landis Lundy
Marsh Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Schmit Scofield Sieck
Vickers Von Minden Wagner Warner

Voting in the negative, 13:

Abboud Beutler Clark DeCamp Hannibal
Hoagland Johnson, V. Labedz McDonald Morehead
Newell Nichol Wesely

Present and not voting, 2:

Jacobson Withem

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

SPEAKER NICHOL PRESIDING

MOTION - Return LB 388 to Select File

Mr. Vickers moved to return LB 388 to Select File for the following specific amendment:
Strike the enacting clause

The motion to return prevailed with 30 ayes, 3 nays, and 16 present and not voting.

SELECT FILE

LEGISLATIVE BILL 388. The Vickers specific amendment found in this day's Journal was adopted with 27 ayes, 14 nays, and 8 present and not voting.

LB 388 stands indefinitely postponed.

UNANIMOUS CONSENT - Withdraw Amendment to LR 2

Mr. Chambers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1208. No objections. So ordered.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 2.

A Resolution to propose an amendment to Article VII, section 5, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 5, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 5. ~~All~~(1) Except as provided in subsections (2) and (3) of this section, all fines, penalties, and license money~~,~~ arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively ~~,~~ where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, ~~by- laws~~ bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county ~~,~~ shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: Seventy-five per cent in a fund for state highways ~~,~~and twenty-five per cent to the county general fund where the fine or penalty is paid.

(2) Fifty per cent of all money forfeited or seized pursuant to enforcement of the drug laws shall belong and be paid over to the counties for drug enforcement purposes as the Legislature may provide.

(3) Law enforcement agencies may use conveyances forfeited pursuant to enforcement of the drug laws as the Legislature may provide. Upon the sale of such conveyances, the proceeds shall be appropriated exclusively to the use and support of the common schools as provided in subsection (1) of this section.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to allow certain money to be divided equally between the use and support of the common

schools and drug enforcement purposes and to allow the use of certain forfeited conveyances by law enforcement agencies.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 38:

Abboud
Barrett
Beutler
Beyer
Chronister
DeCamp
Fenger
Goll
Haberman
Hannibal
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Lundy
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Wesely
Withem

Voting in the negative, 6:

Chambers
Clark
Eret
Landis
Marsh
Warner

Present and not voting, 5:

Carsten
Goodrich
Harris
Higgins
Schmit

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 152.

A BILL FOR AN ACT to amend section 70-637, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 540, Eighty-eighth Legislature, Second Session, 1984, relating to public power districts; to provide an exception to certain purchasing procedures; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 642.

A BILL FOR AN ACT relating to education; to eliminate certain nonresident high school tuition statutes which are obsolete; and to repeal sections 79-437.01 and 79-437.02, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Harris	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin

Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 672.

A BILL FOR AN ACT relating to water resources; to amend section 46-234, Revised Statutes Supplement, 1982; to provide an additional basis for refusal of an application to appropriate water; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules on LB 679

Mr. Pappas moved to suspend Rule 7 Section 3(D) so as to consider AM2622 to LB 679.

The motion to suspend the rules prevailed with 35 ayes, 1 nay, and 13 present and not voting.

MOTION - Return LB 679 to Select File

Mr. Pappas moved to return LB 679 to Select File for his pending Pappas-Wesely-Warner amendment, AM2622, found in the Journal on page 1957.

The motion to return prevailed with 30 ayes, 0 nays, and 19 present and not voting.

SELECT FILE

LEGISLATIVE BILL 679. The Pappas specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 694.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-411.01, Reissue Revised Statutes of Nebraska, 1943, and section 60-412, Revised Statutes Supplement, 1983; to change provisions relating to the renewal of motor vehicle operators' licenses as prescribed; to rename a fund and provide for its use; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Abboud
Eret
Hefner
Labedz

Carsten
Fenger
Higgins
Lamb

Chronister
Goodrich
Jacobson
McDonald

Clark
Haberman
Johnson, L.
Newell

DeCamp
Harris
Kilgarin
Nichol

Pappas Peterson, H. Remmers Rupp Schmit
Vickers Von Minden Wagner Withem

Voting in the negative, 20:

Barrett Beutler Beyer Chambers Goll
Hannibal Hoagland Johnson, R. Johnson, V. Kahle
Landis Lundy Marsh Morehead Peterson, R.
Pirsch Scofield Sieck Warner Wesely

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 760.

A BILL FOR AN ACT relating to motor vehicles; to provide duties; and to provide for the issuance of special license plates for former prisoners of war as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chronister Clark DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Jacobson Johnson, L. Johnson, R.
Johnson, V. Kahle Kilgarin Labedz Lamb
Lundy Marsh McDonald Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Schmit Scofield Sieck
Vickers Von Minden Wagner Wesely Withem

Voting in the negative, 3:

Chambers Hoagland Landis

Present and not voting, 1:

Warner

A constitutional majority having voted in the affirmative, the bill

was declared passed and the title agreed to.

LEGISLATIVE BILL 776.

A BILL FOR AN ACT relating to workmen's compensation; to amend section 48-115, Revised Statutes Supplement, 1983; to provide an election for coverage for certain people as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Hefner
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 824.

A BILL FOR AN ACT relating to purchasers of slaughter livestock; to amend sections 54-1805 and 54-1809, Reissue Revised Statutes of Nebraska, 1943; to provide for appointment of a receiver; to prohibit certain business practices; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 863. With Emergency.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Governor to convey a specific permanent easement to the city of Lincoln; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Jacobson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 881.

A BILL FOR AN ACT relating to schools; to amend section 79-2650, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to exceeding a tax levy limitation; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Carsten Chronister
Clark DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Johnson, V. Kahle Kilgarin Labedz Lundy
Marsh McDonald Morehead Nichol Pappas
Peterson, H. Peterson, R. Remmers Rupp Schmit
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 5:

Beyer Lamb Landis Newell Pirsch

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 933.

A BILL FOR AN ACT relating to state government operations; to amend sections 60-1001, 68-602, 68-603, 68-604, 68-608, 68-613, 68-624, 68-631, 77-2412, 81-104.01, 81-137, 81-154, 81-161.03, 81-1018, 81-1102, 81-1117.01, 81-1118.02, 84-308, and 84-710, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to lettering on state-owned vehicles, vouchers, petty cash funds, a budget vote requirement, acceptance of bids, purchases for miscellaneous needs, transfers of money, timing of inventories, charges for copies, and timing of deposits; to correct references; to create funds; to change and eliminate definitions; to harmonize provisions; to eliminate certain duties of the State Building Commission; to eliminate a duty of the State Treasurer relating to triplicate receipts; and to repeal the original sections, and also sections 72-718.04, 72-730, and 77-2207, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Present and not voting, 2:

Chambers	Morehead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 980.

A BILL FOR AN ACT relating to licenses; to amend section 81-8,133.01, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the licensing of seconds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Harris	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
McDonald	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 991.

A BILL FOR AN ACT relating to poultry and egg resources; to amend sections 2-3403, 2-3408, and 2-3413, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to a fee on commercial eggs; to authorize the acceptance of certain funds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit

Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Beutler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 991A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 991, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud Barrett Beyer Carsten Chronister
Clark DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Johnson, V. Kahle Kilgarin Labedz Lamb
Landis Lundy Marsh McDonald Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Scofield Sieck
Vickers Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler Chambers Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 992.

A BILL FOR AN ACT relating to public improvements; to amend section 14-3,103, Reissue Revised Statutes of Nebraska, 1943; to require the construction of certain sidewalks as prescribed; to provide powers and duties related to sewer and drain connections and driveway approaches; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud Barrett Beyer Carsten Chambers
Chronister Clark DeCamp Eret Fenger
Goll Goodrich Hannibal Harris Hefner
Higgins Hoagland Johnson, L. Johnson, R. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 3:

Haberman Johnson, V. Newell

Present and not voting, 2:

Beutler Jacobson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 993.

A BILL FOR AN ACT relating to technical community colleges; to amend section 85-963, Reissue Revised Statutes of Nebraska, 1943; to authorize general academic transfer programs at an additional campus; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barrett Carsten Chambers Chronister Clark
DeCamp Eret Fenger Goll Haberman
Hannibal Harris Hefner Higgins Hoagland
Jacobson Johnson, L. Johnson, R. Johnson, V. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Newell Nichol Peterson, H.
Peterson, R. Remmers Rupp Schmit Scofield
Sieck Vickers Von Minden Wagner Withem

Voting in the negative, 8:

Abboud Beyer Goodrich Morehead Pappas
Pirsch Warner Wesely

Present and not voting, 1:

Beutler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1007 to Select File

Mr. Remmers moved to return LB 1007 to Select File for his specific amendment, AM2589, found in the Journal on page 1850.

The motion to return prevailed with 35 ayes, 0 nays, and 14 present and not voting.

SELECT FILE

LEGISLATIVE BILL 1007. The Remmers specific amendment, AM2589, found in the Journal on page 1850 was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1016. With Emergency.

A BILL FOR AN ACT relating to trade names; to amend section 87-211, Reissue Revised Statutes of Nebraska, 1943; to increase renewal fees for registered trade names; to repeal the original section;

and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Carsten
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 3:

Abboud
Chambers
Pirsch

Present and not voting, 2:

Labedz
Lamb

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 1105 to Select File

Mr. Lamb moved to return LB 1105 to Select File for the following specific amendment:
AM2549
(Amendments to Final Reading Copy)

1. On page 1, line 1, strike "condominiums" and insert "real property"; in line 5, strike "and 76-891" and insert "76-891, and 76-902"; and in line 9 after the first comma insert "deeds,".

2. Insert the following new section:

"Sec. 23. That section 76-902, Revised Statutes Supplement, 1983, be amended to read as follows:

76-902. The tax imposed by section 76-901 shall not apply to:

(1) Deeds recorded prior to November 18, 1965;

(2) Deeds to property transferred by or to the United States of America, the State of Nebraska, or any of their instrumentalities, agencies, or subdivisions;

(3) Deeds which secure or release a debt or other obligation;. ~~Deeds given as consideration for the satisfaction of a debt or other obligation are not entitled to this exemption;~~

(4) Deeds which, without additional consideration, confirm, correct, modify, or supplement a deed previously recorded but which do not extend or limit existing title or interest;

(5) Deeds between husband and wife, or parent and child, without actual consideration therefor, and deeds to or from a family corporation or partnership ~~where~~ when all the shares of stock of the corporation or interest in the partnership are owned by members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred according to the rules of civil law, and their spouses, for no consideration other than the issuance of stock of the corporation or interest in the partnership to such family members or the return of the stock to the corporation in partial or complete liquidation of the corporation or deeds in dissolution of the interest in the partnership. In order to qualify for the exemption for family corporations or partnerships, the property must be transferred in the name of the corporation or partnership and not in the name of the individual shareholders or partners;

(6) Tax deeds;

(7) Deeds of partition;

(8) Deeds made pursuant to mergers, consolidations, sales, or transfers of the assets of corporations pursuant to plans of merger or consolidation filed with the office of Secretary of State. A copy of such plan filed with the Secretary of State shall be presented to the register of deeds before such exemption shall be granted;

(9) Deeds made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock;

(10) Cemetery deeds;

(11) Mineral deeds;

(12) Deeds executed pursuant to court decrees;

(13) Land contracts;

(14) Deeds which release a reversionary interest, a condition subsequent or precedent, a restriction, or any other contingent interest;

(15) Deeds of distribution executed by a personal representative conveying to devisees or heirs property passing by testate or intestate succession;

(16) Deeds transferring property located within the boundaries of an Indian reservation where the grantor or grantee is a reservation Indian;

(17) Deeds transferring property into a trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the register of deeds is presented with a copy of the trust instrument that clearly indicates the grantor and all possible beneficiaries;

(18) Deeds transferring property from a trustee to a beneficiary of a trust; or

(19) Leases.".

3. On page 37, line 6, strike "and 76-891" and insert "76-891, and 76-902".

4. Renumber original section 23 as section 24.

Passed over.

UNANIMOUS CONSENT - Member Excused

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution and bills: LR 2, LBs 152, 642, 672, 694, 760, 776, 824, 863, 881, 933, 980, 991, 991A, 992, 993, and 1016.

SELECT FILE

LEGISLATIVE BILL 470. E & R amendments, AM5240, found in the Journal on page 668 for the Eighteenth Day were adopted.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendments, AM2086, found in the Journal on page 1164, AM2085, found in the Journal on page 1166, and AM0877, printed separate from the Journal and referred to on page 1679. No objections. So ordered.

Mr. Warner asked unanimous consent to withdraw his pending amendment, AM1913, found in the Journal on page 1175. No objections. So ordered.

Mr. Fenger offered the following amendment:
Add Emergency clause to LB 470

The Fenger amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. V. Johnson moved to indefinitely postpone LB 470.

Laid over.

LEGISLATIVE BILL 700A. Considered.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 19 ayes, 5 nays, and 25 not voting.

Mrs. Marsh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Beutler	Chambers	DeCamp	Harris	Higgins
Hoagland	Johnson, V.	Kilgarin	Labedz	Landis
Marsh	McDonald	Morehead	Newell	Pappas
Schmit	Scofield	Sieck	Vickers	Warner
Wesely	Withem			

Voting in the negative, 26:

Abboud	Beyer	Carsten	Chronister	Clark
Eret	Fenger	Goll	Goodrich	Haberman
Hannibal	Hefner	Jacobson	Johnson, L.	Johnson, R.
Kahle	Lamb	Lundy	Nichol	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Von Minden
Wagner				

Excused and not voting, 1:

Barrett

Failed to advanced to E & R for Engrossment with 22 ayes, 26 nays, and 1 excused and not voting.

Having failed to advance for the second time, LB 700A stands indefinitely postponed.

The Chair declared the Call raised.

LEGISLATIVE RESOLUTION 227. E & R amendments, AM5246, found in the Journal on page 786 for the Twenty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 222. E & R amendments, AM5291, found in the Journal on page 1060 for the Thirty-First Day were adopted.

Mr. DeCamp moved to indefinitely postpone LB 222.

Laid over.

LEGISLATIVE BILL 767. E & R amendments, AM5288, found in the Journal on page 1078 for the Thirty-First Day were adopted.

Mr. Wesely renewed his pending amendment, AM2150, found in the Journal on page 1684.

The Wesely amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 767A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 835A. Mr. Carsten renewed his pending amendment found in the Journal on page 1220.

The Carsten amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 973. E & R amendments, AM5308, found in the

Journal on page 1180 for the Thirty-Fifth Day were adopted.

Messrs. Schmit, Chronister, Haberman, Remmers, and Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem offered the following amendment:
AM2494

1. On page 2, line 11, after the period insert "Probation personnel working for a separate juvenile court shall be assigned only to juvenile cases and shall not be transferred to adult probation cases without the concurrence of the separate juvenile court judge.".

Mr. Withem moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Withem requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud
Beutler
Chambers
Eret
Goodrich
Hannibal
Harris
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
McDonald
Newell
Pappas
Rupp
Schmit
Scofield
Sieck
Wesely
Withem

Voting in the negative, 19:

Beyer
Carsten
Fenger
Goll
Hefner
Jacobson
Johnson, L.
Kahle
Lamb
Landis
Lundy
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Von Minden
Wagner
Warner

Present and not voting, 3:

Johnson, R.
Morehead
Vickers

Excused and not voting, 6:

Barrett
Chronister
Clark
DeCamp
Haberman
Remmers

The Withem amendment lost with 21 ayes, 19 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Rupp asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1113. E & R amendment, AM5309, found in the Journal on page 1180 for the Thirty-Fifth Day was adopted.

Mr. Lamb asked unanimous consent to withdraw his pending amendments, AM2246, found in the Journal on page 1251 and, AM2356, found in the Journal on page 1425. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 942. E & R amendments, AM5311, found in the Journal on page 1180 for the Thirty-Fifth Day were adopted.

Mr. Jacobson asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers renewed his pending amendment, AM1871, found in the Journal on page 728.

The Vickers amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers renewed his pending amendment, AM2297, found in the Journal on page 1362.

The Vickers amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Von Minden asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 900. E & R amendments, AM5348, found in the Journal on page 1440 for the Forty-Second Day were adopted.

Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were 30 fourth graders and teacher from Lincoln Christian School; 31 fourth graders and teacher from Central Elem., Plattsmouth; 40 third graders, teacher, and sponsor from Beatty Elementary School, Lincoln; 23 seniors and teacher from Fairmont High School; 8 eighth grade students and Principal from Cedar Canyon School, Gering; and Don & Nancy Gilam from Scottsbluff.

ADJOURNMENT

At 7:01 p.m., on a motion by Mr. Goll, the Legislature adjourned until 9:00 a.m., Friday, March 30, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - MARCH 30, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 30, 1984

Pursuant to adjournment, the Legislature met at 9:04 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Senator Carol Pirsch.

ROLL CALL

The roll was called and all members were present except Messrs. V. Johnson, Landis, Newell, Schmit, Sieck, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2021, line 23, strike "13" and insert "12".
Page 2034, line 4, strike "270" and insert "370".
Page 2038, line 10, strike "LEGISLATIVE BILL 337" and insert "LEGISLATIVE RESOLUTION 337".
The Journal for the Fifty-Fifth Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 30, 1984, at 8:17 a.m., were the following resolution and bills: LR2, LB's 152, 642, 672, 694, 760, 776, 824, 863, 881, 933, 980, 991, 991A, 992, 993, and 1016.

(Signed) Pam Moravec, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 553. Placed on Select File as amended.
E & R amendments to LB 553:

AM5426

1. On page 3, line 3, after "law" insert a comma; and in line 8 strike "sections 1 to 6 of".

2. On page 4, line 18, after "any" insert "outstanding".

3. On page 6. line 21, strike "Africa related" and insert "Africa-related".

LEGISLATIVE BILL 742. Placed on Select File as amended.
E & R amendments to LB 742:
AM5427

1. In the Scofield amendment, AM2475, adopted March 27, 1984:

a. On page 1, strike lines 1 and 2; and

b. On page 2, lines 1 and 4, strike "mining related" and insert "mining-related".

2. On page 1, line 4, after the second semicolon insert "to require recommendations on uranium mining regulatory policies;".

LEGISLATIVE BILL 1131. Placed on Select File.

(Signed) Rod Johnson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 411.

Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study procedures and standards for the issuance, implementation, and financial reporting of revenue and general obligation bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 412.

Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to examine the incarceration of mentally ill dangerous persons in jail facilities when such persons are taken into custody by a peace officer. The study should review the potential for limiting the placement of such persons in jail facilities and requiring counties to contract with medical facilities to provide for such persons taken into custody. The study should also examine the question of funding alternatives for any proposal to limit the incarceration of the mentally ill in jail facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 413.

Introduced by Wesely, 26th District.

PURPOSE: The Nebraskans for Quality and Affordable Health Care Task Force, created by the Public Health and Welfare Committee, made final recommendations to the committee in December 1983. These recommendations included a number of recommendations to state agencies and the executive branch to examine various issues related to health care cost containment or to take certain action. The proposals include:

(1) An examination of insurance regulations by the Department of Insurance, the expansion of such regulations to self-insured groups, and the development of minimum benefit and regulatory standards for all health insurance policies;

(2) The identification of a state agency to monitor federal health policy developments and to assume an advocacy role for the state during the developmental stages of such policies;

(3) The development of a system of continuum of area for all elderly and disabled persons by the Department of Social Services;

(4) An examination of health promotion and public health education programs in Nebraska by the Department of Health;

(5) An examination of the health planning process by the Department of Health;

(6) A needs study for various physician specialties in the state by the

Department of Health; and

(7) A review of state and local regulations affecting health care providers by the state executive branch.

The purpose of this study is to monitor the above recommendations of the Nebraskans for Quality and Affordable Health Care Task Force and to coordinate with the agencies in the deliberation of these studies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 414.

Introduced by Wesely, 26th District.

PURPOSE: The purpose of this study is to examine the structure of the mental retardation delivery system within the State of Nebraska. The study should examine the governance of the state-regional system for the planning, delivery, and funding of community-based services for persons with mental retardation to promote efficiency and the effective provision of such services. Reimbursement and contracting mechanisms for the provision of such services should also be reviewed. The study should involve the Department of Public Institutions, other state agencies, the mental retardation regions and regional governing boards, public and private service providers, persons with mental retardation, families of persons with mental retardation, and groups associated on behalf of persons with mental retardation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 415.

Introduced by Wesely, 26th District.

PURPOSE: The purpose of this study is to examine the feasibility of establishing a high-risk catastrophic illness insurance pool for persons who otherwise are uninsurable due to a preexisting medical condition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 416.

Introduced by Wesely, 26th District.

PURPOSE:

The purpose of this study is to examine the feasibility of developing long-term disability insurance coverage and dental insurance coverage for state employees. Such study shall directly involve the Department of Personnel, state employees, and organizations representing state employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 417.

Introduced by Wesely, 26th District.

PURPOSE:

This study shall review the certificate of need process in Nebraska and the efficacy and efficiency of the program. This study should include a review of:

(1) The effectiveness of the expenditure review mechanism in controlling health care costs;

(2) The extent to which new technological developments and differing types of capital costs increase the overall cost of health care;

(3) The effectiveness of the current certificate of need procedural process, including the efficacy of the Certificate of Need Review Committee and the Certificate of Need Appeal Panel;

(4) The effect of the certificate of need process on the health care needs of the population of the state;

(5) The effect of the certificate of need process on health care providers and limitations on health care facility capital and bed needs in the state; and

(6) The effect of the certificate of need process on the Medicaid program and its reimbursement policies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 418.

Introduced by Schmit, 23rd District.

PURPOSE: To study the special transportation needs of deliverers of manufactured goods from Nebraska manufacturers to points in other states, as well as the special transportation problems confronting movers of houses and other structures, via Nebraska roads, highways, bridges, and other means.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 419.

Introduced by Schmit, 23rd District.

PURPOSE: To study various aspects of water project financing in Nebraska, including user fees for various types of water uses and alternative funding sources for municipal water and wastewater projects, including the use of municipal sinking funds for capital construction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 420.

Introduced by Schmit, 23rd District.

PURPOSE: The purpose of this study is to examine the method of taxation and collection of the special fuels tax in order to discover an equitable system of special fuels taxation that is clearly based on usage and consumption of special fuels.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 421.

Introduced by Schmit, 23rd District.

PURPOSE:

To address issues of concern to the citizenry of the State of Nebraska with regard to transportation and communications problems confronting urban and rural communities. Such a study should include an examination of the effects of federal and state deregulation, with emphasis on rail and truck transportation and telecommunications, as well as an examination of present and impending problems of quality control evidenced by the rapid deterioration of various roads and highways in this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 422.

Introduced by Eret, 32nd District; Haberman, 44th District.

PURPOSE: To study Nebraska's current statutes relating to taxation of motor vehicle fuel utilized in special fuel vehicles, with particular emphasis on potential constitutional problems as explained in the Attorney General's Opinion number 193 of February 17, 1984.

Such a study should examine alternative methods of taxation of special fuel users to insure that the State of Nebraska has a constitutionally sound law for collection of all tax due.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Revenue Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 423.

Introduced by Beutler, 28th District.

PURPOSE: The purpose of this interim study is to examine the relationship between the district and county courts of the state. District and county courts have many areas of concurrent jurisdiction under present law. Judges of both courts must have the same qualifications to hold office. The two court systems share probation and other services.

There are also many aspects of the two court systems which are separate and distinct. Each court has areas of exclusive jurisdiction and has defined roles relative to the other. Separate office and support systems are maintained by each court. This study would examine the relationship between the district and county courts to examine methods of making more efficient use of judicial resources and support systems. In order to accomplish its purpose the study shall include, but not be limited to, the following:

(1) Examination of areas of concurrent and separate jurisdiction;

(2) Examination of sharing of service and support systems;

(3) Examination of methods of increasing judicial efficiency and reducing judicial workloads;

(4) Examination of court systems in other jurisdictions; and

(5) Any other matters necessary for a complete analysis of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 424.

Introduced by Beutler, 28th District.

PURPOSE:

The purpose of this interim study is to examine the effectiveness and utilization of resources in our county attorney system. Nebraska has ninety-three counties which range in population from nearly four hundred thousand to fewer than one thousand persons. This presents a great variety of challenges in prosecution and legal representation. Factors of distance and comparable compensation may create difficulties in the hiring and retention of competent attorneys in some counties. County attorneys have many important responsibilities in our system including prosecution of the state's criminal laws, overseeing child support collection, and acting as the county's legal representative.

Such responsibilities mandate competent and effective county attorneys. In order to accomplish its purpose the study shall include, but not be limited to, the following:

(1) Examination of the current county attorney system including problems in criminal prosecution, child support enforcement, and legal representation of the county;

(2) Examination of problems in hiring and retention of county attorneys;

(3) Proposals aimed at increasing the effectiveness of county attorneys;

(4) District and county attorney systems in other jurisdictions; and

(5) Any other matters necessary for a complete analysis of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 425.

Introduced by Wesely, 26th District.

PURPOSE: To study the implementation and status of pension plans for first class cities as established by Laws 1983, LB 531, Eighty-eighth Legislature, First Session, and Laws 1983, LB 237, Eighty-eighth Legislature, First Session, and to ascertain what, if any, legislative changes are necessary to carry out the intent of such pension plan legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 426.

Introduced by Nebraska Retirement Systems Committee: Wesely, 26th District, Chairperson; DeCamp, 40th District; Goodrich, 20th District; Schmit, 23rd District; Vickers, 38th District; Warner, 25th District.

PURPOSE: The purpose of this resolution is to study the costs and benefits of allowing public employees to retire at an earlier age with full benefits. The study should include:

(1) The benefits and costs of early retirement to public employees, including both financial and psychological considerations;

(2) The direct costs to the retirement system and options to fund those costs;

(3) The impact on society of allowing earlier retirement in light of future projections showing an increase in the ratio of retired persons to working persons;

(4) Any possible savings to the employer from pensioning older, higher-paid employees and replacing them with younger, lower-paid workers;

(5) Trends and practices in other states and in private industry; and

(6) Methods of providing equivalent benefits for both defined-contribution and defined-benefit systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 427.

Introduced by Nebraska Retirement Systems Committee: Wesely, 26th District, Chairperson; DeCamp, 40th District; Schmit, 23rd District; Vickers, 38th District; Warner, 25th District.

PURPOSE:

The purpose or this resolution is to study the issues involved in providing cost of living adjustments in benefits to retired public employees. The issues addressed should include:

1. The monetary cost of providing cost of living adjustments for retired employees and strategies for funding that cost;

2. The erosion of pension income due to inflation after retirement

and the hardships such erosion brings to retirees;

3. The existence of pockets of retired employees who earned benefits under earlier, possibly inadequate retirement plans, which may warrant special adjustments in benefits;

4. The viability of expecting employees to make up for post-retirement inflation through personal savings or other resources; and

5. The special cases of certain employees who are not subject to social security and thus not covered by its benefit provisions which automatically adjust annually for inflation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 428.

Introduced by Nebraska Retirement Systems Committee: Wesely, 26th District, Chairperson; DeCamp, 40th District; Goodrich, 20th District; Schmit, 23rd District; Vickers, 38th District; Warner, 25th District.

PURPOSE:

The State of Nebraska currently has retirement systems for various groups of employees, including: Judges; state employees; school employees; the Nebraska State Patrol; and county employees. In addition, the Legislature has established various retirement provisions for groups of employees of the state's subdivisions of government.

The purpose of this resolution is to study the various retirement systems administered by the state as well as the retirement systems authorized or required for subdivisions of government. Such a study should include the following issues: Funding; disability benefits; unfunded liability; costs and benefits; and the advantages and disadvantages of changing the state's retirement laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That upon completion of the study the committee shall report on its findings including any recommendations for needed legislation, to

the Legislature or Legislative Council.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 429.

Introduced by Hoagland, 6th District; Barrett, 39th District.

PURPOSE: The purpose of this study is to examine whether Nebraska should adopt a presidential caucus primary system similar to that used in Iowa, and scheduled on the same day, including:

1. Whether adopting a similar system in Nebraska to be scheduled the same day as the Iowa caucus would strengthen the political process in Nebraska by drawing more persons into the political process;
2. Whether holding a caucus in Nebraska on the same day as the Iowa caucus would strengthen Nebraska's vote in determining the presidential nominees of both political parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 430.

Introduced by Goodrich, 20th District.

PURPOSE:

Since quality of life has been identified as an important factor both in stemming migration from this state and in attracting new businesses and industry to locate here, and, since the quality, availability, and accessibility of the visual and performing arts are an important measure of the quality of life, particular emphasis should be placed on increasing programs for the visual and performing arts in Nebraska by conducting an interim study to: (1) Examine the availability of suitable space and qualified teachers for the visual and performing arts in Nebraska's public schools; (2) examine community education opportunities through the public schools, colleges, and universities; (3) encourage private sector initiatives in organizing and funding further programs; and (4) encourage coordination of the activities of the Nebraska Arts Council and the Department of Economic

Development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 431.

Introduced by Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to study the problem of flooding on the rivers and streams of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 432.

Introduced by Vickers, 38th District; Wesely, 26th District.

PURPOSE: The purpose of this study is to examine the potential impact on Nebraska's natural resources and political subdivisions of the planned deployment of one hundred "Peacekeeper" or M-X missiles in existing Minuteman missile silos in western Nebraska and eastern Wyoming.

In 1982 the United States Congress refused to accept the President's proposal for basing the M-X missile which led to a decision by the President's Commission on Strategic Forces to recommend that the M-X be deployed in existing Minuteman silos.

Some of these existing silos are located in western Nebraska and the new recommendations would cause these silos to undergo substantial construction, alteration, and expansion.

The activity surrounding the construction will have an impact on the natural resources, political subdivisions, economy, and people of the area and affect the local communities, schools, law enforcement, roads, and other services.

The degree of impact is unknown but potentially adverse.

The recommendations of the President's Commission were not included in the final environmental impact statement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 433.

Introduced by V. Johnson, 8th District; Hoagland, 6th District.

PURPOSE: To ascertain whether the statutory and constitutional provisions pertaining to impeachment should be revised, and to prepare legislation to that end, in light of the experience acquired during the impeachment and trial of the Attorney General in March, 1984.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 434.

Introduced by Hoagland, 6th District.

PURPOSE: The purpose of this resolution is to study the criminal statutes of this state pertaining to controlled substances including:

Whether they should be revised and modernized to take account of experiences in other states and model provisions developed at the federal level.

Whether current sentencing practices are adequately deterring drug offenses in situations where convictions have been obtained in Nebraska;

Whether the Legislature should enact legislation prohibiting look-alike or imitation controlled substances.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 435.

Introduced by Hoagland, 6th District.

PURPOSE: The educational needs and special care of severely mentally, physically, or psychologically handicapped young Nebraskans are often multifarious, thus requiring coordination from more than one agency.

The Education of the Handicapped Act as amended by PL 94-142 designates the state education agency as the authority responsible for the coordination and the provision of related services deemed necessary.

Federal law does not, however, invest the state education agencies with the authority to mandate financial participation by noneducational agencies to provide any of the related services, nor do federal laws or regulations provide the definitional clarity necessary for implementation.

This lack of clarity, coupled with recent constraints on public spending has had the unforeseen consequences of causing problems in agencies' ability to fulfill their responsibilities in providing services to these handicapped young Nebraskans.

An interim study should be conducted with special emphasis on:

(1) Equipment and staff needs of education and care programs;

(2) Intergovernmental coordination and cooperation among state agencies in the provision of required and essential services;

(3) Control mechanisms and policies to ensure efficient and cost-effective delivery of services;

(4) Residential services needs that are not educationally related;

(5) The clarification of the boundaries of legal responsibility between the Departments of Education, Social Services, and Institutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 436.

Introduced by Barrett, 39th District; Clark, 47th District; L. Johnson, 15th District.

PURPOSE: The purpose of this resolution is to study localized energy management in Nebraska. This study should include:

(1) Examination of economic development benefits possible from such a program;

(2) Potential state financial leveraging concepts available to communities;

(3) Scenarios comparing results possible with state government participation as opposed to no such involvement; and

(4) Report on the Nebraska Community Energy Management Program achievements to date.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 437.

Introduced by Hoagland, 6th District.

PURPOSE: To investigate the propriety of retail sales of computer equipment to the general public by the University of Nebraska in direct competition with a number of small businesses established in Lincoln, Omaha, and elsewhere in the State.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Appropriations Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 438.

Introduced by Kilgarin, 7th District.

PURPOSE: To study the Nebraska Dental Practices Act, sections 71-183 to 71-193.14, and to conduct a performance review of the Board of Dental Examiners pursuant to the guidelines set forth in section 81-1,101; to include in such study the duties and powers of dentists and dental hygienists, dental assistants, and auxiliaries capacities in the practice of dentistry; and to study the authority of the Board of Dental Examiners and Department of Health as restricted by the Attorney General's Opinion number 164 filed January 4, 1982.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 439.

Introduced by Morehead, 30th District; Labedz, 5th District; Harris, 27th District; Scofield, 49th District.

PURPOSE:

The purpose of this study is to examine the high-technology curriculum in postsecondary institutions of Nebraska. The State of

Nebraska is being compelled into the "Information Age" and it is vitally important for our citizenry to be knowledgeable about the changes and challenges of the new technologies associated with the "Information Age". Because the communications and information technologies offer Nebraskans, in part, new employment opportunities, it is encumbent upon us to look at our state colleges, technical community colleges, and universities to see what has been done and what could be done to enhance curriculum as it relates to the information industry. The topics for consideration shall include, but not be limited to:

(1) An examination of courses presently available with an analysis of the feasibility of establishing business-oriented, nonengineering programs in the communications field at the bachelor's degree level; and

(2) Examine the feasibility of developing programs to train or retrain adult workers in high-technology occupational areas where employment is projected to increase.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1985 Legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 440.

Introduced by Schmit, 23rd District.

PURPOSE: The purpose of this study is to address present and potential interstate water disputes and pursue the resolution of such conflicts in an equitable manner which recognizes the needs and rights of all states in this region.

This study is necessary as a number of recent legal actions, including the Sporhase decision and the ETSI lawsuit, which have dealt with the interrelationships between Nebraska and neighboring states with regard to usage of both underground and surface water in the Missouri River basin.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature shall be

designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 441.

Introduced by Pirsch, 10th District.

PURPOSE: The purpose of this resolution is to study the feasibility of placing the office of election commissioner on a district basis.

In some counties, the county clerk handles duties of both the county clerk and the election commissioner because those counties are not large enough to afford a full time election commissioner. At the same time, the county clerk's office often finds it difficult to handle all these duties.

This study should examine the costs and benefits of hiring a full time district election commissioner who would serve several counties at once and also the need for a district computer system to store election data and information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to examine the current system regarding election commissioners in various counties in Nebraska.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1985 Legislative Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 442.

Introduced by Pirsch, 10th District.

PURPOSE: In recent years the administration of criminal justice has become increasingly dominated by the process known as "plea bargaining."

This resolution should examine the factors which determine when plea bargaining will occur and how the prosecutor, defense attorney, and defendant arrive at particular deals. A major focus of this study should be to determine whether a ban on plea bargaining would have a measurable impact on criminal activity and whether the efficiency of the justice system is advanced by the use of plea bargaining.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study and to hold any public hearings necessary to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 443.

Introduced by Pirsch, 10th District.

PURPOSE: The purpose of this resolution is to examine the need for mandatory psychiatric insurance coverage in Nebraska.

This study should examine whether such legislation would increase the cost of insurance to Nebraska citizens, the financial impact on insurance companies, and the potential increase in the tax burden of the state. The experiences of other states which have mandated psychiatric benefits should be examined. Most importantly, is there a need among the citizens of Nebraska for Mandatory psychiatric benefits?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 444.

Introduced by Beutler, 28th District.

PURPOSE: Recognizing Nebraska's commitment to the education and general well-being of its residents and this nation's long standing commitment to the guarantee of open access to public libraries to all individuals, it is the purpose of this interim study to evaluate the problems of theft, mutilation, and damages of library materials and the various proposals relating to recovery of costs for such actions. In order to accomplish this purpose the following specific matters shall be examined:

(1) The nature and extent of materials and losses to public libraries throughout the state due to theft, mutilation, and damages and a review of current library security systems;

(2) The number of cases relating to unreturned or damaged library materials which are referred for civil prosecution and the number of such cases that resulted in the recovery of the materials or their value without litigation;

(3) The extent and need of any recovery for attorney's fees and costs in these types of cases if the locality wins the case;

(4) An examination of methods of providing full restitution for library materials of all types at current replacement costs;

(5) The need for prosecution of library theft, mutilation, or damages cases by county or city attorneys throughout Nebraska;

(6) Any other matter necessary for a thorough analysis of how Nebraska is addressing these concerns.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 445.

Introduced by Beutler, 28th District.

PURPOSE: The State of Nebraska has ground water supplies which are abundant and generally of high quality in comparison to national water quality levels. It is recognized that surface water quality is improving as point sources of pollution are brought under treatment programs. However, because of the inherent characteristics of ground water supplies, the protection of this vital resource is difficult to monitor.

There is a need to examine the nature, extent, and sources of ground water pollution in Nebraska. The purpose of this study is to investigate recognized sources of groundwater pollution, examine current practices which may be potentially damaging to ground water supplies in the future, and to assess the advisability of legislation which would ensure that the quality of the state's water supplies is maintained. This study shall include, but not be limited to, the following:

(1) The nature, extent, and causes of major ground water pollution in Nebraska;

(2) Proposals specifically relating to the nature, extent, and regulation of nitrate contamination and other chemicals endangering Nebraska's water supplies;

(3) The pollution of water supplies and other environmental dangers relating to spills or leakage from petroleum or chemical storage tanks;

(4)The nature and extent of concerns related to "insectigation" and "chemigation" and whether such irrigation practices should be regulated, and if so, recommendations on how this should be accomplished;

(5) The nature of the health hazard to humans, livestock, other animals, and plants from ground water pollution of the types aforementioned;

(6) Methods of stabilizing or reversing such types of pollution including available alternatives and their economic impact; and

(7) Any other relevant matters necessary for a comprehensive examination of this concern.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Ccommittee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 446.

Introduced by Beutler, 28th District.

PURPOSE:

During the mid 1950's this country began releasing chronically mentally ill patients from state mental institutions to less restrictive environments in unprecedented numbers. This nationally mandated goal resulting from United States Supreme Court decisions to provide better treatment of the chronically mentally ill by release to less restrictive environments currently is being seriously reevaluated in light of the lack of community mental health centers, decreased time of stay in state institutions, and decreases in federal funding for care to such individuals. It is appropriate at this time that the State of Nebraska should clearly reaffirm its commitment to the chronically mentally ill. The purpose of this study should be to evaluate the treatment of the chronically mentally ill and others needing mental health care within Nebraska and make recommendations for legislation in necessary areas which would improve their care. In order to accomplish this purpose the following areas of concern should be addressed:

(1) Examination of the extent and nature of the care being given to the approximately one hundred fifty-six thousand Nebraskans estimated to be in need of mental health services;

(2) The extent to which the services offered by this state meet the needs of the chronically mentally ill and others in need of mental health care;

(3) The effects which decreased revenue sources for mental health services have had upon this state's chronically mentally ill and other persons in need of treatment;

(4) The roles and responsibilities of both the public and private sectors and various levels of government in providing mental health care to the chronically mentally ill and others needing treatment in this state;

(5) The costs to the state for the care of the chronically mentally ill and others in need of mental health care, and whether such costs can be reduced by alternative living or care arrangments other than those currently existing; and

(6) Any other matters necessary for a thorough analysis of how Nebraska currently is addressing the needs of the chronically mentally ill and others in need of mental health treatment and how Nebraska can better meet those needs in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 447.

Introduced by Beutler, 28th District.

PURPOSE:

The purpose of this resolution is to reexamine the purpose of the Law Enforcement Improvement Fund. The fund was established in the early

1970's for the purpose of funding educational programs for law enforcement officers of the State of Nebraska. Since the implementation of the fund, the Nebraska county attorneys are now also required to receive continuing education annually, but their educational expenses are not covered by the Law Enforcement Improvement Fund. This study would examine including county attorneys as law enforcement officers for purposes of the Law Enforcement Improvement Fund. In order to accomplish its purpose the study shall include, but not be limited to, the following:

(1) Examination of methods of increased funding for the Law Enforcement Improvement Fund;

(2) Examination of other methods of funding continuing education for county attorneys; and

(3) Any other matters necessary for a complete analysis of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 448.

Introduced by Beutler, 28th District.

PURPOSE: The purpose of this study is to examine the effectiveness and proper utilization of resources of the state's public defender system. There are currently two public defender systems established by statute. Section 29-1804 provides for the establishment of public defenders on a county by county basis. Section 29-1805.01 to 29-1805.11 creates the office of judicial district public defender, which to date has never been used.

Costs of the current public defender system and providing appointed counsel for criminal defendants have been rapidly escalating, placing a constantly increasing financial burden on the counties. Appointment of counsel poorly trained in criminal defense may lead to poor representation which may be grounds for appeals which are costly and may fail to protect the defendant's rights. The responsibilities of the public defender in protecting the rights of indigent criminal defendants and the increasing costs of legal representation mandate an efficient system of competent public defenders.

In order to accomplish its purpose the study shall include, but not be limited to, the following:

(1) Examination of possible use and application of the judicial district public defender;

(2) Examination of effectiveness of the county by county public defender system, including competence of representation and fiscal impact;

(3) Use of a state-supported public defender system;

(4) Public defender systems in other jurisidictions; and

(5) Any other matters necessary for a complete analysis of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 449.

Introduced by Goodrich, 20th District.

WHEREAS, the State of Nebraska is interested in providing a fair and equitable tax system for its citizens and is further interested in promoting the economic well-being of the state and its citizens; and

WHEREAS, a number of studies of the Nebraska tax structure are being prepared including the creation of a Governor's tax study committee; and

WHEREAS, it is important that the Nebraska Legislature be informed in sufficient time to make decisions regarding any proposals affecting taxation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study of taxation in Nebraska, including consideration regarding economic development.

2. That such committee shall monitor, assist, and coordinate its activities with any other study or studies being conducted regarding taxation.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendation, to the

Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 450.

Introduced by Pirsch, 10th District.

PURPOSE: It is essential to the fair and impartial administration of justice that a victim of a criminal offense be afforded a reasonable opportunity to attend any trial or hearing by any court which pertains to such offense:

Nebraska law does not permit crime victims to address the court at the time of sentencing.

Crime victims are not exempt from the operation of Nebraska law requiring the separation or exclusion of witnesses from court in criminal trials or hearings;

The President's Task Force on Victims of Crime has called for a Constitutional amendment whereby crime victims would be given the same right of confrontation now guaranteed to the accused.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 308. Read. Considered.

LR 308 was adopted with 35 ayes, 0 nays, and 14 not voting.

LEGISLATIVE RESOLUTION 339. Read. Considered.

LR 339 was adopted with 35 ayes, 0 nays, and 14 not voting.

LEGISLATIVE RESOLUTION 340. Read. Considered.

Mrs. Marsh asked unanimous consent to have her name added as co-introducer to LR 340. No objections. So ordered.

LR 340 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 341. Read. Considered.

LR 341 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 351. Read. Considered.

LR 351 was adopted with 37 ayes, 0 nays, and 12 not voting.

LEGISLATIVE RESOLUTION 358. Read. Considered.

LR 358 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 370. Read. Considered.

Messrs. Barrett, Kahle, and Chronister asked unanimous consent to have their names added as co-introducers to LB 370. No objections. So ordered.

LR 370 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 451.

Introduced by Hoagland, 6th District; Vickers, 38th District.

WHEREAS, A Nation at Risk, the report of the National Commission on Excellence in Education, has placed education back on the American agenda; and

WHEREAS, education is one of the most important jobs facing our nation today; and

WHEREAS, education is an investment, not an expense, and our nation cannot afford the cost of neglect; and

WHEREAS, the need for talented and gifted individuals in our society is quite clear; and

WHEREAS, other states are providing opportunities for their talented and gifted students; and

WHEREAS, the State of Nebraska needs to further develop programs for their talented and gifted high school students; and

WHEREAS, the Nebraska Scholars' Institute could be a model program throughout the country; and

WHEREAS, education cannot work alone to achieve goals. It will take the cooperative efforts of education, business, industry, and community to achieve excellence in education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature be aware of the Nebraska Center for

Excellence in Education a consortium of schools who cooperatively network to improve the quality of education in our state.

2. That the Legislature support the Nebraska Scholars' Institute sponsored by the Nebraska Center for Excellence in Education.

3. That the Legislature recognizes the Nebraska Scholars' Institute as a unique two-week summer instructional program designed to provide talented and gifted students in Nebraska challenging and enriching educational opportunities not available during the regular school year.

Laid over.

LEGISLATIVE RESOLUTION 452.

Introduced by Beutler, 28th District.

PURPOSE:

The purpose of this study is to examine the system of imposing death sentences in the State of Nebraska. Laws 1978, LB 711, and Laws 1973, LB 268, established certain legislative criteria concerning the imposition of death sentences. These criteria require consideration of mitigating and aggravating circumstances, comparison of cases involving same or similar circumstances, and forbid imposing a greater sentence than those imposed in the same or similar circumstances. Laws 1978, LB 711, also mandated a review of criminal homicide cases by the Supreme Court. This study would examine the application of these criteria in the imposition of sentence and its review on appeal. In order to accomplish its purpose this study shall include, but not be limited to, the following:

(1) Examination of the application of criteria required by law to be considered by a sentencing court in a criminal homicide case;

(2) Examination of review of these criteria in death sentence cases by the Supreme Court;

(3) Examination of review and analysis of criminal homicide data by the Supreme Court as required by Laws 1978, LB 711; and

(4) Any other matters necessary for a complete analysis of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Override Veto on LB 1128

Mr. Warner moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction to LB 1128 which reduces the appropriation in Section 4 Agency 06 - District Courts, Program 397 in Subsection (2) for Special Salary adjustments.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 33:

Barrett	Beutler	Carsten	Chambers	Chronister
Clark	Eret	Goll	Goodrich	Harris
Hefner	Higgins	Jacobson	Johnson, L.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Nichol	Pappas	Peterson, H.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Wagner	Warner		

Voting in the negative, 8:

Abboud	DeCamp	Hannibal	Johnson, R.	Newell
Peterson, R.	Von Minden	Withem		

Present and not voting, 7:

Beyer	Fenger	Haberman	Hoagland	Lamb
McDonald	Wesely			

Excused and not voting, 1:

Johnson, V.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

MOTION - Override Veto on LB 1128

Messrs. Warner and L. Johnson moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction to LB 1128 which reduces the appropriation in Section 29 Agency 31 - Military Department Program 548 - Tuition Credit Reimbursement in Subsection (4) for Military-Tuition Assistance.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 31:

Barrett Beyer Carsten Chronister Clark
Eret Fenger Goll Goodrich Haberman
Harris Hefner Hoagland Jacobson Johnson, L.
Kahle Landis Lundy Marsh Nichol
Pappas Peterson, H. Remmers Rupp Schmit
Scofield Vickers Von Minden Wagner Warner
Wesely

Voting in the negative, 11:

Abboud Beutler Chambers DeCamp Hannibal
Labedz McDonald Morehead Newell Pirsch
Withem

Present and not voting, 5:

Higgins Johnson, R. Kilgarin Lamb Sieck

Excused and not voting, 2:

Johnson, V. Peterson, R.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Chair declared the Call raised.

MOTION - Override Veto on LB 1128

Mr. Warner moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reductions to LB 1128 which reduces the appropriation in Section 47 which reduces the appropriation to the Board of Trustees of the Nebraska State Colleges and Section 48, which reduces the appropriation for Chadron, Kearney, Peru and Wayne

State Colleges.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kahle moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Goodrich requested a roll call vote on the motion.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 31:

Barrett Carsten Chambers Chronister Clark
Goll Goodrich Haberman Harris Hefner
Hoagland Jacobson Johnson, L. Johnson, R. Kahle
Lamb Landis Lundy Marsh Nichol
Pappas Peterson, H. Remmers Rupp Schmit
Scofield Sieck Vickers Von Minden Wagner
Warner

Voting in the negative, 15:

Abboud Beutler Beyer DeCamp Eret
Fenger Hannibal Higgins Labedz McDonald
Morehead Newell Pirsch Wesely Withem

Present and not voting, 1:

Kilgarin

Excused and not voting, 2:

Johnson, V. Peterson, R.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 970 and 970A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 970

The following changes, required to be reported for publication in the Journal, have been made:
ER0222

1. In the Vickers and Lundy amendment, AM2236, on page 1, line 2, paragraphing has been inserted before "The".
2. In the Vickers-Scofield-Warner amendment, AM2620, paragraphing has been inserted on page 1, line 11; and page 2, lines 3 and 21, before "The" and on page 3, line 2 before "On".

(Signed) Mary Sommermeyer
E & R Attorney

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 370.

UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 1128

Mr. Warner moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction to LB 1128 which reduces the appropriation in Section 49, which reduces the appropriation to the University of Nebraska for all campuses and Central Administration.

Mr. Warner moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Warner requested a roll call vote on his motion.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 31:

Barrett Carsten Chronister Clark Goll
Goodrich Haberman Harris Hefner Hoagland
Jacobson Johnson, L. Johnson, R. Kahle Lamb
Landis Lundy Marsh McDonald Nichol
Pappas Peterson, H. Remmers Rupp Schmit
Scofield Sieck Vickers Wagner Warner
Wesely

Voting in the negative, 12:

Abboud Beutler DeCamp Hannibal Higgins
Kilgarin Labedz Morehead Newell Pirsch
Von Minden Withem

Present and not voting, 5:

Beyer Chambers Eret Fenger Peterson, R.

Excused and not voting, 1:

Johnson, V.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Chair declared the Call raised.

MOTION - Override Veto on LB 1128

Mr. Warner moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction to LB 1128 which reduces the appropriation in Section 32, Agency 34 - Library Commission, Program 302, Subsection (4) for Library Aid to Regional Libraries and aid for resource services.

Messrs. R. Johnson, Haberman, and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Newell requested a roll call vote on the Warner motion.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 30:

Barrett
Carsten
Chambers
Chronister
Clark
Goll
Goodrich
Haberman
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Kahle
Kilgarin
Lamb
Lundy
Marsh
McDonald
Nichol
Pappas
Peterson, H.
Rupp
Schmit
Scofield
Sieck
Vickers
Wagner
Warner

Voting in the negative, 17:

Abboud
Beutler
Beyer
DeCamp
Eret
Fenger
Hannibal
Labedz
Landis
Morehead
Newell
Peterson, R.
Pirsch
Remmers
Von Minden
Wesely
Withem

Excused and not voting, 2:

Johnson, R.
Johnson, V.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Member Excused

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Override Veto on LB 1128

Mr. Warner moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction to LB 1128 which reduces the appropriation in Section 52 Agency 54 - Nebraska State Historical Society, Program 541 in Subsection (4) for $33,083.

Mr. Warner moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 30:

Barrett Carsten Chambers Chronister Clark
Eret Goll Goodrich Haberman Harris
Hefner Jacobson Johnson, L. Kahle Kilgarin
Lamb Landis Lundy Marsh Newell
Nichol Pappas Peterson, H. Schmit Scofield
Sieck Vickers Wagner Warner Wesely

Voting in the negative, 16:

Abboud Beutler Beyer DeCamp Fenger
Hannibal Hoagland Labedz McDonald Morehead
Peterson, R. Pirsch Remmers Rupp Von Minden
Withem

Excused and not voting, 3:

Higgins Johnson, R. Johnson, V.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

MOTION - Override Veto on LB 1128

Messrs. Warner and Hefner moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction to LB 1128 which reduces the appropriation in Section 31, Game and Parks Commission Subdivision (6) for Oliver Reservoir.

Whereupon the President stated: "The question shall be, 'Shall LB 1128 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 32:

Barrett Carsten Chronister Clark DeCamp
Fenger Goll Goodrich Haberman Hannibal
Hefner Jacobson Johnson, L. Kahle Kilgarin
Labedz Landis Lundy Marsh Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Remmers Rupp Scofield Sieck Vickers
Wagner Warner

Voting in the negative, 2:

Beutler Lamb

Present and not voting, 12:

Abboud	Beyer	Chambers	Eret	Harris
Hoagland	McDonald	Pirsch	Schmit	Von Minden
Wesely	Withem			

Excused and not voting, 3:

Higgins	Johnson, R.	Johnson, V.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Chair declared the Call raised.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 29, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Boyer, John K. - Omaha, International Business Machines Corporation
Brewster, E. Richard - Shawnee Mission, KS, Standard Oil (Indiana)
Collins, David W. - Lincoln, Associated Builders & Contractors Inc., Cornhusker Chapter
Crosby, Guenzel, Davis, Kessner & Kuester:
  Orton, Leroy W. - Lincoln, United Banks of Colorado, Inc.
Dahl, D. Carl - Aurora, CO, A. H. Robins Company
Dausses, William F. - Barltesville, OK, Phillips Petroleum Company
Friedman, Howard B. - Lincoln, (Withdrawn 1/4/84) Amalgamated Transit Union #1293
Kelley, Michael - Omaha, Phillips Petroleum Company
McCullough, Mardy - Grant, Kelley, Kelley & Leehan
Ryan, James E. - Lincoln, Nebraska Sheriffs' & Peace Officers Association
Wright, Norman H. - Omaha, International Business Machines Corporation

MOTION - Reconsider Action of LB 1128

Ms. Scofield moved to reconsider the Pirsch-Kilgarin motion to override LB 1128 pertaining to victim-witness assistance.

The Scofield motion to reconsider prevailed with 30 ayes, 4 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 1128

The Pirsch-Kilgarin motion to override the Governor's line-item veto found in the Journal on page 1996 was reconsidered.

Mrs. Pirsch moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mrs. Pirsch requested a roll call vote on the Pirsch-Kilgarin motion.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 32:

Barrett	Beyer	Carsten	Chambers	Chronister
Clark	Fenger	Goodrich	Hannibal	Harris
Hefner	Jacobson	Johnson, L.	Johnson, R.	Kahle
Kilgarin	Lamb	Landis	Lundy	Marsh
Newell	Nichol	Peterson, H.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Wagner	Warner			

Voting in the negative, 12:

Abboud	Beutler	DeCamp	Haberman	Higgins
Hoagland	Labedz	Morehead	Peterson, R.	Von Minden
Wesely	Withem			

Present and not voting, 3:

Eret	McDonald	Pappas

Excused and not voting, 2:

Goll	Johnson, V.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Chair declared the Call raised.

MOTION - Override Veto on LB 1129

Mr. Warner and Ms. Scofield renewed their pending motion to override the Governor's line-item veto found in the Journal on page 1996.

Mrs. Higgins, Messrs. Fenger and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1129 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 31:

Barrett	Beyer	Carsten	Chronister	Clark
Eret	Goodrich	Haberman	Harris	Hefner
Jacobson	Johnson, L.	Johnson, R.	Kahle	Kilgarin
Lamb	Landis	Lundy	Marsh	McDonald
Nichol	Peterson, H.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Von Minden	Wagner
Warner				

Voting in the negative, 8:

Abboud	Beutler	DeCamp	Hannibal	Hoagland
Labedz	Morehead	Newell		

Present and not voting, 5:

Chambers	Peterson, R.	Vickers	Wesely	Withem

Excused and not voting, 5:

Fenger	Goll	Higgins	Johnson, V.	Pappas

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

RESOLUTIONS

LEGISLATIVE RESOLUTION 453.

Introduced by Newell, 13th District; Higgins, 9th District; Fenger, 45th District; Scofield, 49th District; Haberman, 44th District; Rupp, 22nd District; Vickers, 38th District; Remmers, 1st District.

PURPOSE: The purpose of this resolution is to conduct a study evaluating the rationale behind the current classification system of cities and villages in Nebraska with particular attention given to:

(1) Background of the current system and the rationale behind its development;

(2) Studying the current divisions to find if this division is working to the benefit of the communities; and

(3) The classification system used by other states and whether another system might be incorporated into our system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Urban Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 454.

Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to study the feasibility of extending public radio service across the State of Nebraska with emphasis on the following:

(1) The feasibility of contracting with currently operating noncommercial radio stations to foster and develop local programming to integrate with state and national programming in a statewide network;

(2) The feasibility of allowing noncommercial educational radio stations to use ETV towers or other facilities and establish procedures

for such use;

(3) Compile a detailed analysis of public radio's effect on commercial radio in the areas of service, audience, and competition;

(4) An analysis of possible programming formats for a statewide public radio system; and

(5) The feasibility of integrating the technical community colleges, state colleges, and the state university's programs and curriculum to develop and operate a statewide system of public radio.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Education Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 694A in the Journal. No objections. So ordered.

Strike the existing sections and insert the following section:

"There is hereby appropriated $30,000 General Funds to Agency 05, Supreme Court to Program 391 - Child Support Enforcement Aid for FY 1984-85. It is the intent of the Legislature that the funds in this program be used only for aid to the Douglas County District Court Child Support Enforcement Office."

STANDING COMMITTEE REPORT
Judiciary

The following Gubernatorial Appointments have been approved by the Judiciary Committee. The committee recommends that the appointments be confirmed by the Legislature and suggests a record vote.

Carlos Alvarez, Nebraska Parole Board (hrg. date 2-29-84)
Ron Bartee, Chairperson, Nebraska Parole Board (hrg. date 2-29-84)
Merritt Green, Executive Director, Nebraska Commission on Law Enforcement and Criminal Justice (hrg. date 2-29-84)
Frank O. Gunter, Director, Department of Corrections (hrg. date 3-29-84)
Mary Wieseman, Nebraska Parole Board (hrg. date 2-29-84)

Voting aye: Senators Abboud, Beutler, Chronister, Jacobson, R. Johnson, Pirsch and Von Minden. Absent: Senator Chambers.

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were Mrs. Lue Jensen from Chadron; 4 seventh and eighth graders and teachers, District #21, Norden; Janet Morgan from Sioux City; 43 fourth graders and teacher from Alcott School, Hastings; 27 sixth graders and teacher from Morton School, Hastings; Audra Claire Von Minden; 12 fourth graders and teacher from Sheridan School, Lincoln; 6 students and teachers from Burwell District 14; Mr. Gilbert Haas and Mrs. Betty Haas from Ralston, and Mr. and Mrs. Herb Spooner from Ralston; 12 students, teacher, and sponsors from Vesta; and 6 fourth grade students and teacher from Brownlee.

RECESS

At 12:08 p.m., on a motion by Speaker Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Goll, Schmit, Mrs. Higgins, and Ms. Scofield who were excused until they arrive.

PRESIDENT MCGINLEY PRESIDING

MOTION - Override Veto on LB 1129

Messrs. Hefner, R. Peterson, and Mrs. Labedz moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction which reduces the appropriation for Agency No. 33 - Game and Parks Commission, Program No. 929, in Section 11 of LB 1129.

Mr. Hefner moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Whereupon the President stated: "The question shall be, 'Shall

LB 1129 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 30:

Barrett Carsten Chronister Clark DeCamp
Eret Fenger Goodrich Haberman Harris
Hefner Higgins Jacobson Johnson, L. Johnson, V.
Kahle Kilgarin Lundy Marsh Newell
Nichol Pappas Peterson, H. Peterson, R. Remmers
Rupp Sieck Vickers Wagner Warner

Voting in the negative, 14:

Abboud Beutler Beyer Chambers Hannibal
Hoagland Johnson, R. Lamb Landis McDonald
Morehead Von Minden Wesely Withem

Present and not voting, 2:

Labedz Pirsch

Excused and not voting, 3:

Goll Schmit Scofield

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Chair declared the Call raised.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Override Veto on LB 1129

Messrs. Kahle, Lundy, and Miss Kilgarin moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction to LB 1129 which reduces the appropriation in Section 24, Program 929 for $7500 for development of a program statement for an addition to the Cushing Coliseum at Kearney State College.

Mr. Lundy moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Lundy requested a roll call vote on the Kahle-Lundy-Kilgarin motion.

Whereupon the President stated: "The question shall be, 'Shall LB 1129 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 30:

Barrett Chambers Chronister Clark Eret
Fenger Goll Goodrich Haberman Harris
Hefner Jacobson Johnson, L. Johnson, V. Kahle
Kilgarin Labedz Lundy Marsh Newell
Nichol Pappas Peterson, H. Peterson, R. Remmers
Rupp Sieck Vickers Wagner Warner

Voting in the negative, 13:

Abboud Beutler Beyer DeCamp Hannibal
Hoagland Johnson, R. Lamb Landis Morehead
Von Minden Wesely Withem

Present and not voting, 3:

Carsten McDonald Pirsch

Excused and not voting, 3:

Higgins Schmit Scofield

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Chair declared the Call raised.

Messrs. H. Peterson and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Override Veto on LB 1129

Mr. V. Johnson moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction to LB 1129 which reduces the appropriation in Section 31, Program 908 for $594,473 to renovate Legislative space in the State Capitol Building.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1129 pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 15:

Beyer	Chambers	Goll	Haberman	Johnson, R.
Kahle	Kilgarin	Lundy	Marsh	McDonald
Newell	Pappas	Rupp	Wagner	Wesely

Voting in the negative, 26:

Abboud	Barrett	Carsten	Chronister	Clark
DeCamp	Eret	Fenger	Goodrich	Hannibal
Harris	Hefner	Hoagland	Jacobson	Johnson, L.
Labedz	Lamb	Landis	Morehead	Pirsch
Remmers	Scofield	Sieck	Vickers	Von Minden
Warner				

Present and not voting, 4:

Beutler	Johnson, V.	Nichol	Withem

Excused and not voting, 4:

Higgins	Peterson, H.	Peterson, R.	Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item veto of the Governor.

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Reconsider Action on LB 1128

Mr. Newell moved to reconsider the Beyer motion to override the Governor's line-item veto found in the Journal on page 1996.

The Newell motion to reconsider lost with 13 ayes, 19 nays, 12 present and not voting, and 5 excused and not voting.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 6, Section 11, and direct the Clerk to deliver LB 1128 and LB 1129 to the Secretary of State.

The Warner motion lost with 21 ayes, 12 nays, 12 present and not voting, and 4 excused and not voting.

MESSAGES FROM THE GOVERNOR

March 30, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Safety Center Advisory Council, requiring legislative confirmation:

Robert Gunderson, 2826 South 107th Street, Omaha, NE 68124 397-4085(h), 721-2300(o), Term: 3/29/84 to 8/24/86, Succeeds: is reappointed.
Judge Janice Walker, 1004 East 2nd Street, McCook, NE 69001 (308) 345-1904(o), Term: 3/29/84 to 8/24/86, Succeeds: Judge Glen Fiebig, term expired.
Carol Cope, 20 Hillcrest Drive, Kearney, NE 68847 (308)237-5717, Term: 3/29/84 to 8/24/86, Succeeds: Betty Spilker, resigned.
Marvin Renner, RFD 4, Malcolm, NE 68402 796-2348(h), 475-4211(o), Term: 3/29/84 to 8/24/86, Succeeds: is a new appointment..
Dr. Kenneth Kimball, Rt. 4 Fawn Woods Lake, Kearney, NE 68847 (308) 236-5562(h), (308)237-2284(o), Term: 3/29/84 to 8/24/86, Succeeds: is reappointed.
Gary Lund, Route 1, Sidney, NE 69162 (308)254-2488(h), (308) 254-5450(o), Term: 3/29/84 to 8/24/86, Succeeds: is reappointed.
Fred Zwonechek, P.O. Box 94612, Lincoln, NE 68509 471-2515(o), Term: 3/29/84 to 8/24/86, Succeeds: is reappointed.
Beth Klosterman, Route 1, David City, NE 68632 367-3209(h), Term: 3/29/84 to 8/24/86, Succeeds: is a new appointment.
Robert Ferguson, 2610 South Riverside, Grand Island, NE 68801 (308)381-3152(o), (308)384-2631(h), Term: 3/29/84 to 8/24/84, Succeeds: John Peterson, resigned.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

March 30, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Motor Vehicle Industry Licensing Board, requiring legislative confirmation:

Rick E. McFayden, 502 South 20th Street, Omaha, NE 68102 444-1776(o), 551-4566(h), Term: 3/29/84 to 10/19/86, Succeeds: Robert Hinchcliff, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: 902, 904, 916, and LR 235.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 902

The following changes, required to be reported for publication in the Journal, have been made:
ER0223
1. In the Wesely amendment, AM2234, on page 2, the matter

beginning with "in" in line 7 through the semicolon in line 9 has been struck.

Enrollment and Review Changes to LB 904

The following changes, required to be reported for publication in the Journal, have been made:
ER0231
1. In the E & R Amendment, AM5377, on page 1, line 3, "to provide for termination of statutes;" has been inserted after the semicolon.
2. In the Standing Committee amendments, AM2068, on page 1, line 17, the first comma has been struck.

Enrollment and Review Change to LB 916

The following changes, required to be reported for publication in the Journal, have been made:
ER0221
1. On page 25, line 24, "three" has been struck and "five" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 455.

Introduced by DeCamp, 40th District.

PURPOSE: The time at which interest on legal debt other than a contract should accrue has been the focus of considerable legislative debate in recent years, and a majority of states now have some provision for prejudgment interest. The purpose of this interim study resolution is to examine the issue of prejudgment interest and the effect that passage of a law providing for interest before judgment would have with relation to the following: (1) potential decrease in the number of lawsuits being filed if prejudgment interest were a factor; (2) earlier settlements of lawsuits that have been filed; (3) desirability of awarding prejudgment interest on all legal actions; (4) the relationship between the concept of compensatory damages and prejudgment interest.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee shall upon the conclusion of its study make a

report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Withdraw Amendments to LB 13

Mr. DeCamp asked unanimous consent to withdraw his pending amendments, AM1997 and AM 2004, found in the Journal on page 943 to LB 13. No objections. So ordered.

SPEAKER NICHOL PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 13.

A BILL FOR AN ACT relating to courts; to amend sections 7-111, 14-603, 14-604, 15-326, 24-501, 24-506, 24-515, 24-521, 24-526, 24-533, 24-536, 24-568, 24-585, 24-585.01, 24-591, 24-714, 24-733, 25-1093.01, 26-1,172, 26-1,173, 26-1,178, 26-1,180, 26-1,182, 26-1,183, 27-1101, 29-103, 29-301, 29-302.01, 29-302.02, 29-403, 29-611, 29-613 to 29-615, 29-901.05, 29-902.01, 29-910, 29-1804.14, 29-2246, 29-2253, 29-2271, 29-2317, 29-2318, 29-2704, 32-421.01, 49-502, 49-801, and 76-1441, Reissue Revised Statutes of Nebraska, 1943, sections 24-503, 24-525, 24-541.01 to 24-541.07, 24-541.09, 24-583, 24-703, 25-1002, 25-1010, 29-812, 29-2252, 29-3302, 33-138, 33-139, 43-247, 43-2,113, 43-2,123, 44-1627, and 49-617, Revised Statutes Supplement, 1982, and sections 24-209, 24-517, 24-524, 24-701, 25-1641, 76-1409, and 84-1332, Revised Statutes Supplement, 1983; to eliminate municipal courts; to provide for additional county judges as prescribed; to transfer certain powers, duties, equipment, property, and personnel from municipal courts to county courts as prescribed; to provide powers and duties; to ratify the exercise of certain jurisdiction; to define and redefine terms; to provide for the transfer of juvenile and municipal court probation positions to the Office of Probation Administration; to provide qualifications for certain probation officers; to change membership on a committee; to eliminate the authority of a presiding judge to appoint associate judges; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 24-529, 24-703.01, 26-101, 26-102, 26-102.01 to 26-102.03, 26-103 to 26-105, 26-107, 26-108 to 26-111, 26-113, 26-114, 26-116, 26-118, 26-119, 26-120, 26-122, 26-1,202, 26-1,203, 29-2209, 29-2215, 29-2216, and 29-2255, Reissue Revised Statutes of Nebraska, 1943, sections

26-106, 29-2219, and 43-2,124, Revised Statutes Supplement, 1982, and sections 26-112 and 26-117, Revised Statutes Supplement, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud	Beutler	Chambers	Chronister	Eret
Fenger	Goll	Goodrich	Hannibal	Harris
Higgins	Hoagland	Johnson, V.	Kilgarin	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Pirsch	Rupp	Schmit
Scofield	Sieck	Vickers	Wagner	Warner
Wesely	Withem			

Voting in the negative, 14:

Barrett	Beyer	Carsten	DeCamp	Haberman
Hefner	Jacobson	Johnson, L.	Johnson, R.	Kahle
Lamb	Peterson, R.	Remmers	Von Minden	

Present and not voting, 1:

Labedz

Excused and not voting, 2:

Clark	Peterson, H.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 13A. Mr. Beutler requested to pass over.

LEGISLATIVE BILL 14.

A BILL FOR AN ACT relating to income tax; to amend section 77-2715, Revised Statutes Supplement, 1983; to authorize a credit; to provide an operative date; and to repeal the original section.

Miss Kilgarin requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill

pass?' "

Voting in the affirmative, 24:

Chambers
Eret
Fenger
Goodrich
Harris
Higgins
Johnson, V.
Kilgarin
Labedz
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Pirsch
Rupp
Schmit
Scofield
Vickers
Wagner
Wesely
Withem

Voting in the negative, 23:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
DeCamp
Goll
Haberman
Hannibal
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Lamb
Landis
Peterson, R.
Remmers
Sieck
Von Minden
Warner

Excused and not voting, 2:

Clark
Peterson, H.

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 38.

A BILL FOR AN ACT relating to the Nebraska Veterans' Aid Fund; to amend section 80-401, Revised Statutes Supplement, 1982; to increase such fund; to provide for appropriations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Barrett
Beyer
Carsten
Chronister
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Newell
Nichol
Pappas
Peterson, R.
Remmers
Rupp
Schmit
Scofield
Vickers
Von Minden
Wagner
Warner
Wesely

Withem

Voting in the negative, 2:

Pirsch Sieck

Present and not voting, 4:

Beutler Chambers Hoagland Morehead

Excused and not voting, 2:

Clark Peterson, H.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 38A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 38, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud Barrett Beyer Carsten Chronister
DeCamp Eret Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Jacobson Johnson, L. Johnson, R. Johnson, V. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Newell Nichol Pappas
Peterson, R. Remmers Rupp Schmit Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Present and not voting, 5:

Beutler Chambers Hoagland Morehead Pirsch

Excused and not voting, 2:

Clark Peterson, H.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Pappas asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 218.

A BILL FOR AN ACT relating to retirement; to amend sections 81-2017 and 84-1308, Reissue Revised Statutes of Nebraska, 1943, sections 23-2307 and 24-703, Revised Statutes Supplement, 1982, and section 79-1056, Revised Statutes Supplement, 1983; to provide for the employer to pick up certain employee contributions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Johnson, R. Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Marsh McDonald Morehead
Newell Nichol Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Lundy

Excused and not voting, 3:

Clark Pappas Peterson, H.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 255 to Select File

Mr. Kahle moved to return LB 255 to Select File for his specific amendment, AM2612, found in the Journal on page 1871.

The Kahle motion to return prevailed with 27 ayes, 8 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Jacobson asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 255. The Kahle specific amendment, AM2612, found in the Journal on page 1871 was adopted with 28 ayes, 6 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Landis requested a machine vote.

Advanced to E & R for Re-Engrossment with 26 ayes, 16 nays, 3 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Withdraw Amendments to LB 286

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM2499, found in the Journal on page 1685 to LB 286. No objections. So ordered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM2608, found in the Journal on page 1875 to LB 286. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 286.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1982, relating to schools; to change provisions relating to payment of nonresident tuition as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Hoagland	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Higgins

Excused and not voting, 4:

Clark	Jacobson	Pappas	Peterson, H.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 286A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 286, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Barrett	Beyer	Chambers	Chronister
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Harris	Hefner	Higgins
Hoagland	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely			

Voting in the negative, 0.

Present and not voting, 3:

Beutler Carsten Withem

Excused and not voting, 4:

Clark Jacobson Pappas Peterson, H.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 222 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2692.)

Mr. Hoagland asked unanimous consent to print the following amendment to LB 826 in the Journal. No objections. So ordered.

AM2695

1. In the Standing Committee amendments on page 1, line 6, after the first period insert "Any Attorney General elected after the effective date of this act shall be a graduate of an accredited law school and an attorney licensed to practice law in the State of Nebraska.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 845 in the Journal. No objections. So ordered.

AM2683

1. Strike original section 29 and all amendments thereto.
2. On page 1, line 8, after the third comma insert "and" and strike "and"; and in line 9 strike "43-512.02,".
3. On page 2, lines 4 and 5, strike "to provide for fees;".
4. On page 20, line 12, before "43-512.01" insert "and" and strike "and 43-512.02,".
5. Renumber the remaining sections

accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 456.

Introduced by Wagner, 41st District.

WHEREAS, the year 1984 is the centennial year of Garfield County, Nebraska; and

WHEREAS, Garfield County was originally part of Wheeler County, but on November 8, 1881, the voters of the western half of the original Wheeler County voted to become a separate county; and

WHEREAS, a proclamation was issued by Governor James W. Dawes ordering elections to be held on November 4, 1884 for the purposes of electing county officers for Garfield County; and

WHEREAS, since that date, Garfield County has existed as a separate county; and

WHEREAS, the County was named in honor of President James A. Garfield; and

WHEREAS, Garfield County has a vast pioneer heritage and was the site of some of the last Nebraska pioneer and Indian encounters, including the Battle of Pebble Creek in 1874 and the Battle of the Blowout in 1876; and

WHEREAS, Garfield County is the location of Nebraska's Big Rodeo, which originated in 1921 as the Garfield County Frontier Fair and has expanded to become one of the major rodeos in the nation; and

WHEREAS, Garfield County is a combination of rich farmlands and sandhills cattle country which is served by the Calamus, North Loup, and Cedar Rivers; and

WHEREAS, the people of Garfield County deserve recognition for the contributions they and their forebears have made to the history and settlement of Nebraska through the past one hundred years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the contributions the citizens of Garfield County have provided to the State of Nebraska in the past and present.
2. That the Legislature extends its best wishes to Garfield County during this year of its centennial celebration.
3. That a copy of this resolution will be sent to the Garfield County Historical Society and the Garfield County Board.

Laid over.

LEGISLATIVE RESOLUTION 457.

Introduced by Wagner, 41st District.

WHEREAS, the year 1984 is the centennial year for the City of Burwell, Nebraska; and

WHEREAS, in 1883 a townsite was laid out on the present site of Burwell by F. A. Webster and I. B. Nelson near a post office at the forks of the North Loup and Calamus Rivers; and

WHEREAS, this townsite was originally called Webster's town, but the name was changed to honor Ida Burwell, the fiancee of the deceased brother of F. A. Webster, who was killed by a falling tree; and

WHEREAS, the name was changed to Burwell on January 21, 1884 on the date of the establishment of the Burwell Post Office; and

WHEREAS, both Burwell and the town of Willow Springs were determined to become the county seat of Garfield County, and after much feuding, Burwell won that honor in 1890 and has remained the county seat ever since; and

WHEREAS, in 1887 Burwell became the terminus of the Chicago, Burlington and Quincy Railroad which made it an important commercial center in the area; and

WHEREAS, Burwell is the home of Nebraska's Big Rodeo, which originated in 1921 as the Garfield County Frontier Fair and has expanded to become one of the major rodeos in the Nation, making Burwell the "Outdoor Rodeo Capital of Nebraska"; and

WHEREAS, Burwell is situated in a fertile valley, which lies on the south side of the North Loup River and is bounded by sandhills to the north; and

WHEREAS, the people of Burwell deserve recognition for the contributions they and their forebears have made to the history and settlement of Nebraska and the sandhills through the past one hundred years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the achievements of the past and present residents of Burwell and the benefits their work has produced for the State of Nebraska.
2. That the Legislature extends its best wishes to the people of Burwell on the historic occasion of their centennial year.
3. That a copy of this resolution shall be sent to the Mayor and City Council of Burwell and the Garfield County Historical Society.

Laid over.

LEGISLATIVE RESOLUTION 458.

Introduced by Warner, 25th District; Wesely, 26th District; Harris, 27th District; Beutler, 28th District; Marsh, 29th District; Landis, 40th District.

PURPOSE: To explore all possible options for resolution of the problems created by the failure of Commonwealth Savings Company, and to identify any and all steps which the Legislature can take to bring relief to Commonwealth depositors as soon as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Special Commonwealth Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 112A. Placed on Select File as amended.
E & R amendment to LB 112A:
AM5428
1. On page 2, lines 2 and 5, strike "High Risk" and insert "High-Risk".

LEGISLATIVE BILL 841. Placed on Select File as amended.
E & R amendment to LB 841:
AM5429
1. On page 3, line 3, strike the comma and show as stricken.

LEGISLATIVE BILL 983. Placed on Select File.

(Signed) Rod Johnson, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of doing business, the Speaker signed the following bills: 13, 38, 38A, 218, 286, and 286A.

MOTION - Return LB 372 to Select File

Mr. Landis moved to return LB 372 to Select File for his specific amendment, AM2662, printed separate from the Journal and referred to on page 2027.

The motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Beutler requested a ruling of the Chair on whether the Landis amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

MOTION - Suspend Rules

Mr. Landis moved to suspend the rules, Rule 7, Section (3)d to permit consideration of the Landis amendment to LB 372.

The Landis motion to suspend the rules prevailed with 30 ayes, 6 nays, 9 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 372. The Landis specific amendment, AM2662, printed separate from the Journal and referred to on page 2027 was considered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

The Landis pending amendment was adopted with 30 ayes, 8 nays, 6 present and not voting, and 5 excused and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 27 ayes, 6 nays, 11 present and not voting, and 5 excused and not voting.

MOTION - Return LB 372 to Select File

Mr. V. Johnson moved to return LB 372 to Select File for the following specific amendment:

Amend Section 13 on the Final Reading copy by striking the period on line 16, page 16, and adding "and ending on or before December 31, 1988."

The V. Johnson motion to return prevailed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 372. The V. Johnson amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 372A to Select File

Mr. Landis moved to return LB 372A to Select File for the following specific amendment:

AM2690

1. On page 2, strike lines 2 through 15 and all amendments thereto and insert "$31,970 from the General Fund for the period July 1, 1984, to June 30, 1985, and (2) $34,410 from the General Fund for the period July 1, 1985, to June 30, 1986, to the Department of Economic Development, for Program 604, to aid in carrying out the provisions of Legislative Bill 372, Eighty-eighth Legislature, Second Session, 1984.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $24,755 for the period July 1, 1984, to June 30, 1985, nor $26,735 for the period July 1, 1985, to June 30, 1986.".

2. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $10,000 from the General Fund for the period July 1, 1984, to June 30, 1985, and (2) $35,000 from the General Fund for the period July 1, 1985, to June 30, 1986, to the Department of Revenue, for Program 102, to aid in carrying out the provisions of Legislative Bill 372, Eighty-eighth Legislature, Second Session, 1984.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The motion to return prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 372A. The Landis specific amendment, AM2690, found in this day's Journal was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 416 to Select File

Mrs. Higgins moved to return LB 416 to Select File for her specific amendment, AM1995, found in the Journal on page 915.

The motion to return prevailed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 416. The Higgins specific amendment, AM1995, found in the Journal on page 915 was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 416 to Select File

Mr. Fenger moved to return LB 416 to Select File for the specific amendment, AM2095, found in the Journal on page 1090.

The motion to return prevailed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 416. The Fenger specific amendment, AM2095, found in the Journal on page 1090 was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 492.

A BILL FOR AN ACT relating to fees; to amend sections 33-126.02, 33-126.04, and 33-126.05, Revised Statutes Supplement, 1982, and section 33-125, Revised Statutes Supplement, 1983; to change the fees in county court as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud Barrett Beutler Beyer Carsten
Chronister Eret Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Hoagland Johnson, L. Johnson, R. Johnson, V. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Peterson, R. Pirsch Remmers Rupp Schmit
Scofield Sieck Vickers Von Minden Wagner
Warner Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Clark DeCamp Jacobson Pappas Peterson, H.
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 507.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Revised Statutes Supplement, 1982; to change provisions relating to the number of judges in certain counties as prescribed; to eliminate the authority of a presiding judge to appoint associate judges; to provide an operative date; and to repeal the original section, and also section 43-2,124, Revised Statutes Supplement, 1982.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Eret Fenger Goll
Goodrich Hannibal Harris Hefner Higgins
Hoagland Johnson, L. Johnson, R. Johnson, V. Kahle
Kilgarin Labedz Landis Lundy Marsh
McDonald Morehead Newell Nichol Remmers
Rupp Schmit Scofield Sieck Vickers
Wagner Warner Withem

Voting in the negative, 5:

Haberman Lamb Peterson, R. Pirsch Von Minden

Excused and not voting, 6:

Clark DeCamp Jacobson Pappas Peterson, H.
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 507A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 507, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud Barrett Beutler Beyer Chambers
Chronister Eret Fenger Goll Goodrich
Hannibal Harris Hefner Higgins Hoagland

Johnson, L. Johnson, V. Kahle Kilgarin Labedz
Landis Lundy Marsh McDonald Morehead
Newell Nichol Remmers Rupp Schmit
Scofield Sieck Vickers Wagner Withem

Voting in the negative, 6:

Haberman Johnson, R. Lamb Peterson, R. Pirsch
Von Minden

Present and not voting, 2:

Carsten Warner

Excused and not voting, 6:

Clark DeCamp Jacobson Pappas Peterson, H.
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 568A to Select File

Mr. Vickers moved to return LB 568A to Select File for the following amendment:

Page 2, lines 1 and 2, strike "two million" and insert "five hundred thousand" line 3, strike "four" and insert "two"

The motion to return prevailed with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 568A. The Vickers specific amendment found in this day's Journal was adopted with 25 ayes, 5 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 791.

A BILL FOR AN ACT relating to the sales and use taxes; to amend section 77-2704, Revised Statutes Supplement, 1983, as amended by section 1, Legislative Bill 796, Eighty-eighth Legislature, Second Session, 1984; to change provisions relating to exemptions from payment of sales and use taxes; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Clark
DeCamp
Jacobson
Pappas
Peterson, H.
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 1056

Mr. Haberman asked unanimous consent to withdraw his pending amendment, AM2223, found in the Journal on page 1351 to LB 1056. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1056.

A BILL FOR AN ACT relating to personnel; to amend section 81-1335, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to salary surveys; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Eret	Fenger	Goodrich	Hannibal
Harris	Hefner	Higgins	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Lundy	Marsh	McDonald	Morehead	Newell
Peterson, R.	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Wagner	Warner	Withem

Voting in the negative, 8:

Chambers	Goll	Haberman	Hoagland	Landis
Nichol	Pirsch	Von Minden		

Excused and not voting, 6:

Clark	DeCamp	Jacobson	Pappas	Peterson, H.
Wesely				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1056A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1056, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Eret	Fenger	Goodrich	Haberman
Hannibal	Harris	Hefner	Higgins	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz

Lamb Lundy Marsh McDonald Morehead
Newell Peterson, R. Pirsch Rupp Schmit
Scofield Sieck Vickers Von Minden Wagner
Warner Withem

Voting in the negative, 5:

Chambers Hoagland Landis Nichol Remmers

Present and not voting, 1:

Goll

Excused and not voting, 6:

Clark DeCamp Jacobson Pappas Peterson, H.
Wesely

SELECT FILE

LEGISLATIVE RESOLUTION 244CA. E & R amendment, AM5414, found in the Journal on page 1943 for the Fifty-Fourth Day was adopted.

Mr. Schmit requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 22:

Beyer Carsten Chronister Clark Fenger
Goll Haberman Harris Hefner Johnson, R.
Kahle Kilgarin Labedz Lundy McDonald
Morehead Nichol Rupp Schmit Sieck
Wagner Warner

Voting in the negative, 20:

Abboud Barrett Beutler Chambers Eret
Hannibal Hoagland Johnson, L. Johnson, V. Lamb
Landis Marsh Newell Peterson, R. Pirsch
Remmers Scofield Vickers Von Minden Withem

Present and not voting, 2:

Goodrich Higgins

Excused and not voting, 5:

DeCamp	Jacobson	Pappas	Peterson, H.	Wesely

Failed to advance to E & R for Engrossment with 22 ayes, 20 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Kahle and Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1027. E & R amendments, AM5420, found in the Journal on page 1991 for the Fifty-Fourth Day were adopted.

Messrs. Schmit, L. Johnson and DeCamp asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman moved to indefinitely postpone LB 1027.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 492, 507, 507A, 791, 1056, and 1056A.

SELECT FILE

LEGISLATIVE BILL 783. E & R amendments, AM5349, found in the Journal on page 1441 for the Forty-Second Day were adopted.

Mr. Fenger asked unanimous consent to withdraw his pending amendment, AM2282, found in the Journal on page 1352. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 932. E & R amendments, AM5354, found in the Journal on page 1526 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1010. E & R amendments, AM5357, found in the Journal on page 1526 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1058. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 751. E & R amendments, AM5371, found in the Journal on page 1537 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 751A. E & R amendment, AM5368, found in the Journal on page 1586 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 971. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 800. E & R amendments, AM5362, found in the Journal on page 1538 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 30, 1984, at 5:13 p.m., were the following bills: 13, 38, 38A, 218, 286, and 286A.

(Signed) Jan Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 348, 711, 711A, 830, 838, 890, 962, 1078, and 1106.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Changes to LB 962

The following changes, required to be reported for publication in the Journal, have been made:
ER0225
1. On page 1, line 10, "77-2715.04," has been inserted before "77-2715.06".

2. On page 2, line 4, "to change provisions relating to the Cash Reserve Fund;" has been inserted after the semicolon.

3. In the E & R amendments, AM5385, on page 2, line 24, "17 and 37" has been struck and "18 and 38" has been inserted; and in line 26 "24" has been struck and "25" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LR 235 in the Journal. No objections. So ordered.

On Line 17, page 2, after the words, "other judge.", insert: ", or absent a finding of probable cause may issue a confidential letter of warning to any judge who's actions are deemed by the commission to be less than appropriate."

Messrs. Hefner, V. Johnson, and Mrs. Labedz asked unanimous consent to print the following amendment to LB 949 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2693.)

SELECT FILE

LEGISLATIVE BILL 1060. E & R amendment, AM5421, found in the Journal on page 2006 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 809A. Mr. Lamb requested a machine vote on the advancement of the bill.

Mr. Newell moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Failed to advance to E & R for Engrossment with 18 ayes, 14 nays, 5 present and not voting, and 12 excused and not voting.

VISITORS

Visitors to the Chamber were 25 students and teacher from Weeping Water.

ADJOURNMENT

Mr. Newell moved to adjourn. The motion prevailed with 19 ayes, 3 nays, and 27 not voting and at 6:09 p.m., on a motion by Mr. Newell, the Legislature adjourned until 9:00 a.m., Monday, April 2, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 2, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 2, 1984

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Reverend Dwayne M. Lueck, Trinity Lutheran Church from Martinsberg, and St. John's Lutheran Church from Newcastle, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Goodrich, R. Johnson, Newell, Rupp, Miss Kilgarin, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2120, line 9, strike "LB 370" and insert "LR 370".
Page 2160, after line 12, insert "A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to."
The Journal for the Fifty-Sixth Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 2, 1984, at 8:30 a.m., were the following bills: 492, 507, 507A, 791, 1056, and 1056A.

(Signed) Jan Loder, Enrolling Clerk

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 308, LR 339, LR340, LR 341, LR 351, and LR 358.

SELECT FILE

LEGISLATIVE BILL 801A. E & R amendment, AM5347, found in the Journal on page 1440 for the Forty-Second Day was adopted.

Mr. Barrett renewed his pending amendment found in the Journal on page 1278.

The Barrett amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 645A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 1001A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 825A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 1089A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1106A. E & R amendments, AM5416, found in the Journal on page 1959 for the Fifty-Fourth Day were adopted.

Mr. Schmit renewed his pending amendment found in the Journal on page 1980.

The Schmit amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1127A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 1131. Advanced to E & R for Engrossment.

MOTION - Reconsider Action on LB 1128 and LB 1129

Mr. Lamb moved to reconsider the Warner motion to send LB 1128 & LB 1129 to the office of the Secretary of State.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Lamb motion prevailed with 31 ayes, 2 nays, 14 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules on LB 1128 and LB 1129

Mr. Lamb moved to suspend the Rules and direct the Clerk to send LB 1128 and LB 1129 to the Secretary of State.

Mr. Newell requested a roll call vote on the Lamb motion.

Voting in the affirmative, 34:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Fenger	Goll	Haberman	Harris
Hefner	Jacobson	Johnson, L.	Johnson, V.	Kahle
Lamb	Landis	Lundy	Marsh	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	

Voting in the negative, 13:

Beutler	Chambers	DeCamp	Eret	Hannibal
Higgins	Hoagland	Kilgarin	Labedz	McDonald
Morehead	Newell	Withem		

Excused and not voting, 2:

Goodrich	Johnson, R.

The Lamb motion prevailed with 34 ayes, 13 nays, and 2 excused and not voting.

MOTION - Override Veto on LB 880

Mr. Warner renewed his pending motion to override the Governor's veto found in the Journal on page 1995.

Mr. Warner moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Wesely requested a roll call vote on the Warner motion.

Whereupon the President stated: "The question shall be, 'Shall LB 880 pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Barrett	Beyer	Carsten	Chambers	Chronister
Goll	Haberman	Harris	Hefner	Higgins
Johnson, L.	Kilgarin	Labedz	Lamb	Landis
Marsh	McDonald	Morehead	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Vickers	Von Minden	Wagner	Warner

Withem

Voting in the negative, 16:

Abboud	Beutler	Clark	DeCamp	Eret
Fenger	Hannibal	Hoagland	Jacobson	Johnson, V.
Kahle	Lundy	Newell	Nichol	Sieck
Wesely				

Excused and not voting, 2:

Goodrich	Johnson, R.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the Call raised.

MOTION - Override Veto on LB 880A

Mr. Warner renewed his pending motion to override the line-item veto of the Governor found in the Journal on page 1995.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 880A pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 30:

Barrett	Beyer	Carsten	Chambers	Chronister
Goll	Haberman	Harris	Hefner	Higgins
Johnson, L.	Johnson, V.	Kilgarin	Labedz	Lamb
Landis	Marsh	McDonald	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Vickers	Von Minden	Wagner	Warner	Withem

Voting in the negative, 16:

Abboud	Beutler	Clark	DeCamp	Eret
Fenger	Hannibal	Hoagland	Jacobson	Kahle
Lundy	Morehead	Newell	Nichol	Sieck
Wesely				

Present and not voting, 1:

Scofield

Excused and not voting, 2:

Goodrich Johnson, R.

Having received a constitutional three-fifths majority voting in the affirmative, LB 880A passed notwithstanding the line-item veto of the Governor.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 758

Mr. Pappas moved that LB 758 become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall LB 758 pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 38:

Abboud Barrett Beyer Carsten Chambers
Clark DeCamp Eret Fenger Goll
Haberman Hannibal Harris Hefner Higgins
Jacobson Johnson, L. Kahle Labedz Landis
Lundy Marsh McDonald Morehead Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner

Voting in the negative, 6:

Hoagland Johnson, V. Kilgarin Lamb Newell
Wesely

Present and not voting, 2:

Beutler Withem

Excused and not voting, 3:

Chronister Goodrich Johnson, R.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 561, 667, 761, 761A, 807, 886, and 891.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 561

The following changes, required to be reported for publication in the Journal, have been made:
ER0229

1. In lieu of the DeCamp amendment adopted on March 28, 1984, found on page 1976 of the Journal, in the Beutler amendment, AM2634, on page 1, line 1, "; and in line 17 strike 'at' and insert 'which are offered by' and strike 'which is' " has been inserted before the period.

2. In lieu of the Withem amendment adopted on March 28, 1984, found starting on page 1985 of the Journal, in the Clark amendment, AM2328, on page 2, line 10, "appointed by the Director of Health" has been inserted after "members".

3. In lieu of the DeCamp amendment adopted March 28, 1984, found on page 1986 of the Journal, in the Standing Committee amendments, AM2106, on page 4, line 9, "and perform an onsite evaluation of the schools and colleges of optometry with whom Nebraska has contracts and may perform other onsite evaluations as determined by the evaluation team." has been inserted after "optometry".

Enrollment and Review Change to LB 667

The following changes, required to be reported for publication in the Journal, have been made:
ER0230

1. On page 1, line 3, "; and to provide for termination of a statute" has been inserted after "prescribed".

2. On page 3, line 19, the second "shall" has been stricken.

Enrollment and Review Change to LB 761

The following changes, required to be reported for publication in the

Journal, have been made:
ER0226

1. In the second Beutler amendment adopted March 28, 1984, found on page 1965 of the Journal, underscoring has been inserted to the matter in quotation marks.

2. In lieu of the first Beutler amendment adopted March 28, 1984, found on page 1965 of the Journal, in the Fenger amendment, AM2609, on page 4, after line 14, the following has been inserted:

"(5) An unlicensed person from performing occupational therapy; or".

3. In the Fenger amendment, AM2609, adopted March 28, 1984:

a. Sections 28 to 46 have been renumbered as sections 29 to 47, respectively;

b. On page 1, line 3, "26" has been struck and "28" inserted; in line 6 "28 to 43" has been struck and "29 to 44" inserted; and in line 22 "42" has been struck and "43" inserted;

c. On page 2, line 4, the first comma has been struck;

d. On page 4, line 14, "section" has been struck and "sections" inserted;

e. On page 4, line 11; page 5, line 6; page 8, line 13; page 9, line 26; and page 13, line 1, "33 and 34" has been struck and "34 and 35" inserted;

f. On page 6, line 13; page 7, line 20; and page 10, line 22, "35" has been struck and "36" inserted;

g. On page 8, line 17; and page 11, lines 15 and 19, "41" has been struck and "42" has been inserted;

h. On page 10, line 5, "shall present" has been struck and "presents" inserted; and in line 16 "40" has been struck and "42" inserted;

i. On page 11, line 6, "38" has been struck and"39" inserted; and

j. On page 16, line 6, "; to create a fund;" has been inserted before the first "to".

4. In the Marsh amendment, AM2546, on page 1, line 7, "14" has been struck and "15" inserted.

5. In the Standing Committee amendments, AM2062, on page 7, line 9, "biannually" has been struck and "biennially" inserted.

Enrollment and Review Change to LB 761A

The following changes, required to be reported for publication in the Journal, have been made:
ER0232

1. In the Marsh amendment found on page 1966 of the Journal and adopted on March 28, 1984, on page 1, line 7, paragraphing has been inserted before "Total".

Enrollment and Review Change to LB 807

The following changes, required to be reported for publication in the Journal, have been made:
ER0227

1. In the E & R amendment, AM5406, on page 1, line 3, "9-403, Uniform Commercial Code, as amended by section 10, Legislative Bill 808, Eighty-eighth Legislature, Second Session, 1984, and section" has been inserted after "section"; in line 6 "to harmonize provisions;" has been inserted after the semicolon; and in line 7 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 886

The following changes, required to be reported for publication in the Journal, have been made:
ER0228

1. The section added by the Kahle amendment adopted March 28, 1984, has been numbered as Sec. 10.
2. On page 1, line 4, "to 68-140" has been inserted after "68-137"; in line 10 "to require certain notice; to provide rights;" has been inserted after the semicolon; in line 11, "and" has been struck; and in line 12 "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Change to LB 891

The following changes, required to be reported for publication in the Journal, have been made:
ER0233

1. In lieu of the Wagner amendment adopted on March 29, 1984, in the Standing Committee amendments, AM1944, on page 1, line 2, "beverages" has been struck and "liquors" inserted.
2. On page 2, line 20, "the purpose of" has been inserted after "for".
3. On page 4, lines 4 and 5, "honey bees" has been struck, shown as stricken, and "honeybees" has been inserted.

(Signed) Mary Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 470. Mr. V. Johnson asked unanimous consent to withdraw his pending motion to indefinitely postpone LB 470 found in the Journal on page 2088. No objections. So ordered.

Mr. Warner asked unanimous consent to withdraw his pending amendment, AM2306, found in the Journal on page 1464. No objections. So ordered.

MR. CLARK PRESIDING

Mr. Warner reoffered his amendment, AM1913, found in the Journal on page 1175.

The Warner amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. V. Johnson reoffered his amendment, AM2086, found in the Journal on page 1164.

The V. Johnson amendment lost with 11 ayes, 17 nays, 18 present and not voting, and 3 excused and not voting.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM2085, found in the Journal on page 1166. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 470A. E & R amendments, AM5239, found in the Journal on page 669 for the Eighteenth Day were adopted.

Mr. Warner offered the following amendment:

On page 2, in lines 1 and 2, strike "one thousand fifty" and insert "one thousand nine hundred eleven"; in line 3, strike "1983" and insert "1984"; in line 4, strike "1984" and insert "1985"; in line 6, strike "1984" and insert "1985" and strike "1985" and insert "1986".

The Warner amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 471. E & R amendments, AM5355, found in the Journal on page 1500 for the Forty-Third Day were adopted.

Messrs. Nichol and Landis renewed their pending amendment, AM2263, found in the Journal on page 1278.

Mr. Newell asked unanimous consent to be excused until he returns. No objections. So ordered.

The Nichol-Landis amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 516. E & R amendments, AM5359, found in the Journal on page 1523 for the Forty-Fourth Day were adopted.

Mr. Landis renewed his pending amendment found in the Journal on page 1266.

The Landis amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 516A. Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 679 and 1007.

Correctly Engrossed

The following resolution and bills were correctly engrossed: LR 227, LBs 767, 767A, 835A, 973, 1113, and 1117.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LR 235

The following changes, required to be reported for publication in the Journal, have been made:
ER0224
1. On page 5, paragraphing has been inserted before "When" in line 8 and before "The" in line 22.

Enrollment and Review Change to LB 679

The following changes, required to be reported for publication in the Journal, have been made:
ER0234
1. In the Pappas, Wesely, Warner amendment, AM2622, on page 3,

line 11, "shall" has been underscored; and in line 17 the second quotation mark has been struck and "deeds' and insert 'property records' " inserted.

Enrollment and Review Changes to LB 767

The following changes, required to be reported for publication in the Journal, have been made:
ER0236

1. In the Wesely amendment, AM2150, on page 1, line 11, "sections 1 to 13 of this act" has been struck and "the Petroleum Products Act" inserted.
2. In the E & R amendments, AM5288, on page 1, line 2, "and" has been struck and "to eliminate certain duties;" inserted, and "; and to repeal the original section" has been inserted after "termination".
3. On page 1, line 1, "to amend section 66-428, Reissue Revised Statutes of Nebraska, 1943;" has been inserted after the semicolon.

Enrollment and Review Change to LB 835A

The following changes, required to be reported for publication in the Journal, have been made:
ER0241

1. In the Carsten amendment found on page 1220 of the Journal, adopted March 29, 1984, on page 1, line 4, after "1984" a comma has been inserted; and in line 5 after "1985" a comma has been inserted.

Enrollment and Review Changes to LB 1117

The following changes, required to be reported for publication in the Journal, have been made:
ER0235

1. In lieu of the Pappas amendment adopted on March 29, 1984:

a. The matter beginning with "The" on page 4, line 27, through the period on page 5, line 3, and all amendments thereto have been struck; and

b. On page 12, line 11, the second comma has been struck; and in line 12 "securing," has been struck.

2. In the Warner amendment, AM2661, adopted on March 29, 1984:

a. On page 1, line 18, "24" has been struck and "25" inserted; and in line 20 paragraphing has been inserted before "An"; and

b. On page 2, line 2, paragraphing has been inserted before "At".

3. In the Hannibal amendment adopted on March 29, 1984, on page 1, line 2, the period after "subordinated" has been struck; in line 4 a comma has been inserted after "agreement"; in line 5 "and show as stricken" has been struck; and in line 8 "percent" has been struck and

"per cent" inserted.

4. E & R amendment 2 has been struck.

5. In the Beutler amendment adopted on March 20, 1984, found on page 1696 of the Journal, on page 1, line 18, "monies" has been struck and "money" inserted.

6. On page 7, line 19, "or" has been inserted after "actual".

(Signed) Mary Sommermeyer
E & R Attorney

MOTION - Return LB 130 to Select File

Mr. DeCamp moved to return LB 130 to Select File for his specific amendment, AM2664, found in the Journal on page 2018.

Mr. DeCamp asked unanimous consent to withdraw his pending motion. No objections. So ordered.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 130.

A BILL FOR AN ACT relating to children; to amend sections 71-901 and 71-1901, Reissue Revised Statutes of Nebraska, 1943, section 71-1902, Revised Statutes Supplement, 1982, and section 81-502, Revised Statutes Supplement, 1983; to provide licensing for early childhood programs and facilities as prescribed; to provide intent; to define and redefine terms; to provide powers and duties; to provide for enforcement of orders; to provide for civil penalties; to require a report; to provide for inspections; to harmonize provisions; and to repeal the original sections.

Mr. V. Johnson requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Beutler	Chambers	DeCamp	Eret	Hannibal

Harris Hoagland Johnson, V. Kilgarin Labedz
Landis Lundy Marsh McDonald Morehead
Newell Nichol Pappas Rupp Schmit
Scofield Vickers Warner Wesely Withem

Voting in the negative, 19:

Abboud Barrett Beyer Carsten Clark
Fenger Goll Haberman Hefner Jacobson
Johnson, L. Kahle Lamb Peterson, H. Peterson, R.
Remmers Sieck Von Minden Wagner

Present and not voting, 2:

Higgins Pirsch

Excused and not voting, 3:

Chronister Goodrich Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 130A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 130, Eighty-eighth Legislature, Second Session, 1984.

Mr. V. Johnson requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Beutler Carsten Chambers DeCamp Eret
Hannibal Harris Higgins Hoagland Johnson, V.
Kilgarin Labedz Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Rupp Schmit Scofield Sieck Vickers
Warner Wesely Withem

Voting in the negative, 16:

Abboud	Barrett	Beyer	Clark	Fenger
Goll	Haberman	Hefner	Jacobson	Johnson, L.
Lamb	Peterson, H.	Peterson, R.	Remmers	Von Minden
Wagner				

Present and not voting, 2:

Kahle	Pirsch

Excused and not voting, 3:

Chronister	Goodrich	Johnson, R.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass.

MOTION - Suspend Rules

Mr. Lamb moved to suspend Rule 7, Section 3(d) to permit consideration of the Lamb amendment to LB 1105.

Mr. Lamb requested a roll call vote on his motion.

Voting in the affirmative, 30:

Beyer	Carsten	Clark	DeCamp	Eret
Fenger	Haberman	Hannibal	Harris	Hefner
Jacobson	Johnson, L.	Kahle	Kilgarin	Labedz
Lamb	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Schmit	Sieck	Von Minden	Wagner	Warner

Voting in the negative, 8:

Abboud	Barrett	Beutler	Chambers	Johnson, V.
Landis	Vickers	Wesely		

Present and not voting, 8:

Goll	Higgins	Hoagland	Lundy	Marsh
Pirsch	Scofield	Withem		

Excused and not voting, 3:

Chronister	Goodrich	Johnson, R.

The Lamb motion prevailed with 30 ayes, 8 nays, 8 present and not voting, and 3 excused and not voting.

MOTION - Return LB 1105 to Select File

Mr. Lamb moved to return LB 1105 to Select File for his pending amendment, AM2549, found in the Journal on page 2085.

The motion to return prevailed with 27 ayes, 6 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1105. The Lamb specific amendment, AM2549, found in the Journal on page 2085 was adopted with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 716.

A BILL FOR AN ACT relating to radiation control; to amend sections 71-3501 to 71-3503, 71-3511, and 71-3515, Reissue Revised Statutes of Nebraska, 1943; to redefine policy; to redefine terms; to provide for the supersession of certain ordinances, resolutions, and regulations; to expand a prohibition as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Clark	DeCamp	Eret	Fenger
Goll	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely

Withem

Voting in the negative, 0.

Excused and not voting, 3:

Chronister	Goodrich	Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 726.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-6,183 and 39-6,186, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,180, 39-6,180.01, 39-6,182, 39-6,184, and 39-6,185, Revised Statutes Supplement, 1982; to change provisions relating to vehicle weight limits; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beyer	Carsten	Chambers
DeCamp	Eret	Fenger	Goll	Haberman
Hannibal	Harris	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
McDonald	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Clark

Excused and not voting, 3:

Chronister Goodrich Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 822.

A BILL FOR AN ACT relating to modular housing units; to amend sections 71-1555 to 71-1558 and 71-1560 to 71-1568, Reissue Revised Statutes of Nebraska, 1943, and section 71-1559, Revised Statutes Supplement, 1983; to rename an act; to define a term; to rename a term; to change provisions relating to standards adopted by the Department of Health; to provide for fees for the review of certain plans and specifications; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chambers DeCamp Eret Fenger Goll
Haberman Hannibal Harris Hefner Higgins
Hoagland Jacobson Johnson, L. Johnson, V. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Clark

Excused and not voting, 3:

Chronister Goodrich Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 910.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-710, Reissue Revised Statutes of Nebraska, 1943, and section 31-741, Revised Statutes Supplement, 1982; to change provisions relating to the public letting of contracts as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Beyer Carsten
Chambers DeCamp Eret Fenger Goll
Haberman Hannibal Hefner Higgins Hoagland
Jacobson Johnson, L. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 3:

Clark Harris Schmit

Excused and not voting, 3:

Chronister Goodrich Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 999.

A BILL FOR AN ACT relating to education; to require that certain eye protective devices be worn as prescribed; to define a term; and to provide duties for the Commissioner of Education.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beyer Carsten Chambers
DeCamp Eret Fenger Goll Haberman
Hannibal Harris Hefner Higgins Hoagland
Jacobson Johnson, L. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Wagner
Warner Wesely Withem

Voting in the negative, 1:

Von Minden

Present and not voting, 2:

Beutler Clark

Excused and not voting, 3:

Chronister Goodrich Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 473 to Select File

Mr. DeCamp moved to return LB 473 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. DeCamp asked unanimous consent to withdraw his pending motion. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 473. With Emergency.

A BILL FOR AN ACT relating to accountants; to amend sections 1-114 to 1-118, 1-122, 1-125, 1-131, 1-132, 1-136.04, 1-151, and 84-304, Reissue Revised Statutes of Nebraska, 1943, and sections 1-107, 1-119, 1-120, 1-124, 1-135, 1-136, and 1-136.01, Revised Statutes Supplement, 1982; to state intent; to change provisions relating to the Nebraska State Board of Public Accountancy; to change provisions relating to certification, registration, examination, and licensing; to provide powers and duties for the board; to change fees; to authorize the use of certain titles and designations; to change bond requirements; to change provisions relating to continuing education; to provide for the construction of an act; to reestablish the board; to change provisions relating to the Auditor of Public Accounts as prescribed; to harmonize provisions; to eliminate certain provisions relating to registration as a public accountant; to provide for severability; to repeal the original sections, and also sections 1-128 and 1-129, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud Barrett Beutler Beyer Carsten
Chambers Clark Fenger Goll Haberman
Hannibal Harris Hefner Higgins Hoagland
Jacobson Johnson, L. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

DeCamp Eret

Excused and not voting, 3:

Chronister Goodrich Johnson, R.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 150 in the Journal. No objections. So ordered.

To amend LB 150 by striking the Labedz amendment found on page 610 of the Journal and insert the following language:

On page 2, strike the new language.

On page 6, line 26, after the word "body" insert "of the municipality or county" ;
line 27, after "of" insert "county or."

On page 8, line 23, strike the first "board" and insert "body of the municipality or county", and strike the second "board" and insert "body";
on line 25, after "the" insert "county or"

Messrs. Hoagland and Clark asked unanimous consent to print the following amendment to LB 983 in the Journal. No objections. So ordered.

Amend original Section 1 as follows:
On page 3, at the end of subsection (2) on line 6, insert:

"(3) Every extra-long vehicle combination issued a permit under this section shall display signs marked 'CAUTION - EXTRA LONG VEHICLE' on the front and rear of the combination of such size and design as to be visible from a distance of 200 feet.

(4) Every extra-long vehicle combination issued a permit under this section shall be accompanied by an escort vehicle while operating on any highway other than the National System of Interstate and Defense Highways. The escort vehicle shall proceed directly behind the extra-long vehicle combination and shall bear a sign marked 'WARNING - EXTRA LONG VEHICLE - DO NOT PASS' of such size and design as to be visible from a distance of 150 feet.";
Renumber current subsection (3) as subsection "(5)".

COMMUNICATION

April 2, 1984

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 880, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of LB 880, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Kerrey

CERTIFICATE

Legislative Bill 880, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 2nd day of April, 1984.

(Signed) William E. Nichol
Presiding Officer
of the Legislature

COMMUNICATION

April 2, 1984

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 880A, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of all line-item vetoes in LB 880A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Kerrey

CERTIFICATE

Legislative Bill 880A, having been returned by the Governor with his signature, but with certain items therein having been line-item vetoed, the Legislature, by the Constitutional majority, has overridden all of said line-item vetoes. Those provisions have become law this 2nd day of April, 1984.

(Signed) William E. Nichol
Presiding Officer
of the Legislature

VISITORS

Visitors to the Chamber were Bill and Roberta Schuller from Odell; 25 fourth grade students and teachers from Randolph School, Lincoln; 39 eighth grade students and teachers from Holy Ghost, Omaha; 41 fourth grade students and teachers from Meadows Elementary, Ralston; and 9 students, sponsor, and teacher from Nebraska School for the Visually Handicapped.

RECESS

At 12:00 noon, on a motion by Mr. Wagner the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Chronister, Goodrich, V. Johnson, Newell, Warner, and Mrs. Labedz who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 255, 372, 372A, 416, and 568A.

Correctly Engrossed

The following bills were correctly engrossed: 751, 751A, 783, 800, 900, 932, 942, 971, 1010, 1058, and 1060.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 255

The following changes, required to be reported for publication in the Journal, have been made:
ER0240
1. The Kahle amendment adopted March 30, 1984, was to the final reading copy.

Enrollment and Review Change to LB 372 (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0238
1. The V. Johnson amendment adopted March 30, 1984, has been inserted in the Landis amendment, AM2662, on page 24, line 13; and a comma has been inserted after the first quotation marks.

Enrollment and Review Change to LB 416 (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0237
1. In the Higgins amendment, AM1995, on page 1, line 6, the underscored period has been struck.

Enrollment and Review Changes to LB 942

The following changes, required to be reported for publication in the Journal, have been made:
ER0239
1. In the Vickers amendment, AM2297, on page 1, line 5, "Except," has been struck and ", except that" inserted.
2. In the Vickers amendment found on page 1113 of the Journal, on page 1, line 4, "following" has been struck and "before" inserted; and in line 9 the underscored period has been struck.
3. On page 1, line 1, "section" has been struck and "sections 79-402.06 and" inserted; and in line 2 after the semicolon "to change provisions relating to certain petitions;" has been inserted.

Enrollment and Review Change to LB 1010

The following changes, required to be reported for publication in the Journal, have been made:
ER0242
1. In the Standing Committee amendments, AM1948, on page 1, line 9, "section" has been struck and "sections" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

COMMUNICATION

April 2, 1984

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1128, with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached Certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/mr
Enclosures
cc: Governor Bob Kerrey

CERTIFICATE

Legislative Bill 1128 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

1.) Department of Public Institutions, Program 424, Community Mental Retardation, in Section 23, on pages 41, 42, 43, and 44.

2.) Game and Parks Commission, Program 549 - Parks-Administration and Operation, in Section 31, subdivision

(4), on pages 59, 60, and 61.

3.) Legislative Council, Program 122 - Legislative Services in Subsection (1), Program 123 - Clerk of the Legislature in Subsection (2), Program 126 - Legislative Research Services in Subsection (3), Program 127 - Revisor of Statutes in Subsection (4), Program 501 - Intergovernmental Cooperation in Subsection (5), Program 504 - Office of Public Counsel (Ombudsman) in Subsection (6), and Program 638 - Fiscal and Program Analysis in Subsection (7), on pages 2, 3, and 4.

4.) Department of Education, Program 025 - Special Salaries and Driver's Education in Section 11, Subsection (2), Program 055 - Subsection (3), Program 143 - Subsection (4), Program 188 - Subsection (5), Program 292 - Subsection (6), Program 293 - Subsection (7), Program 294 - Subsection (8), Program 295 - Subsection (9), Program 351 - Subsection (10), Program 352 - Subsection (11), Program 401 - Subsection (12), Program 402 - Subsection (13), Program 508 - Subsection (14), Program 614 - Subsection (15), Program 642 - Subsection (16)on pages 12 through 19.

5.) District Courts, Program 377 - Special Salary Adjustments in Section 4, Subsection (2) on pages 5 and 6.

6.) Military Department, Program 548 - Tuition Credit Reimbursement in Section 29, Subsection (4) on page 57.

7.) Board of Trustees of the Nebraska State Colleges in Section 47 and Chadron, Kearney, Peru & Wayne State Colleges in Section 48 on pages 73 through 78.

8.) University of Nebraska - All Campuses and Central Administration, in Section 49 on pages 79 through 83.

9.) Library Commission, Program 302 - Library aid to regional libraries and aid for resource services in Section 32, subsection (4) on page 62.

10.) Nebraska State Historical Society, Program 541 in Section 52, Subsection (4) on page 86 and 87.

11.) Game and Parks Commission - Oliver Reservior in Section 31, Subdivision (6) on page 60.

12.) Nebraska Commission on Law Enforcement and Criminal Justice, Program 201 - Crime Victim-Witness Assistance, in Section 74 on pages 105 and 106.

Provisions identified in paragraphs numbered 1, 2, 3 and 4 have become law the 29th day of March, 1984; the remaining provisions have become law on the 30th day of March, 1984.

(Signed) William E. Nichol
Presiding Officer
of the Legislature

COMMUNICATION

April 2, 1984

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1129, with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached Certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/mr
Enclosures
cc: Governor Bob Kerrey

CERTIFICATE

Legislative Bill 1129 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

1.) Chadron State College Activity Center, Program 931 in Section 21 on page 9.
2.) Game and Parks Commission, Program 929 in Section 11 on page 6.
3.) Kearney State College, Program 929 - Cushing Coliseum addition, in Section 24 on page 10.

These provisions have become law the 30th day of March, 1984.

(Signed) William E. Nichol
Presiding Officer
of the Legislature

COMMUNICATION

April 2, 1984

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 758, with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 758, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosures
cc: Governor Bob Kerrey

CERTIFICATE

Legislative Bill 758, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, has become law this 2nd day of April, 1984.

(Signed) William E. Nichol
Presiding Officer
of the Legislature

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 682. With Emergency.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 16-325 and 17-108.02, Reissue Revised Statutes of Nebraska, 1943, sections 2-3216.01 to 2-3216.04, 18-301.01 to 18-301.04, 23-180 to 23-183, and 79-4,208 to 79-4,211, Revised Statutes Supplement, 1983, and section 17-209.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 368, Eighty-eighth Legislature, Second Session, 1984; to change provisions prohibiting certain contracts involving certain officers as prescribed; to redefine terms; to provide for the disclosure, recording, and storage of certain information; to provide exceptions; to change penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Clark	DeCamp	Eret	Fenger
Goll	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Wesely	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chronister	Goodrich	Johnson, V.	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 692 to Select File

Miss Kilgarin moved to return LB 692 to Select File for her specific amendment, AM2216, printed separate from the Journal and referred to on page 1492.

Miss Kilgarin requested a record vote on her motion to return LB 692.

Voting in the affirmative, 15:

Abboud	Chambers	Eret	Higgins	Johnson, V.
Kilgarin	Labedz	Landis	McDonald	Morehead
Newell	Pirsch	Scofield	Vickers	Warner

Voting in the negative, 26:

Barrett	Beyer	Carsten	Clark	DeCamp

Goll Haberman Hannibal Harris Jacobson
Johnson, L. Johnson, R. Kahle Lundy Marsh
Pappas Peterson, H. Peterson, R. Remmers Rupp
Schmit Sieck Von Minden Wagner Wesely
Withem

Present and not voting, 6:

Beutler Fenger Hefner Hoagland Lamb
Nichol

Excused and not voting, 2:

Chronister Goodrich

The Kilgarin motion to return lost with 15 ayes, 26 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Clark asked unanimous consent to withdraw his pending amendment, AM2645, found in the Journal on page 1938. No objections. So ordered.

Mr. Schmit moved to return LB 692 to Select File for his specific amendment:
AM2711
(Amendments to Final Reading Copy)

1. On page 1, line 14, after the semicolon insert “and”.
2. On page 2, line 1, strike “; and to declare an emergency”.
3. Strike section 23.

Mr. Schmit asked unanimous consent to withdraw his pending motion. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 692. With Emergency.

A BILL FOR AN ACT relating to hospital-medical liability; to amend sections 23-2416, 25-213, 44-2802, 44-2820 to 44-2822, 44-2824, 44-2825, 44-2828 to 44-2833, 44-2837, 44-2840 to 44-2842, 44-2855, and 81-8,227, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to claims and causes of action, election of coverage, qualification of health care providers, limits on liability, the Excess Liability Fund, the Residual Malpractice Insurance Authority, and medical review panels as prescribed; to provide for surcharge adjustments; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 25:

Abboud	Barrett	Beutler	Beyer	Carsten
Clark	Goll	Haberman	Harris	Hefner
Jacobson	Johnson, R.	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, R.	Scofield	Von Minden	Warner	Wesely

Voting in the negative, 21:

Chambers	DeCamp	Eret	Fenger	Hannibal
Higgins	Johnson, L.	Johnson, V.	Kahle	Kilgarin
Labedz	McDonald	Peterson, H.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Wagner
Withem				

Present and not voting, 1:

Hoagland

Excused and not voting, 2:

Chronister Goodrich

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Clark	DeCamp	Eret	Fenger	Goll
Haberman	Hannibal	Harris	Hefner	Higgins
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Labedz	Lamb	Landis	Lundy	Marsh

McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 2:

Chambers Kilgarin

Present and not voting, 1:

Hoagland

Excused and not voting, 2:

Chronister Goodrich

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 695.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-326 to 28-332 and section 28-343, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to abortion; to eliminate certain duties and requirements; to provide duties; to change penalties; to harmonize provisions; to eliminate provisions relating to abortions involving certain minors; to eliminate a penalty; to repeal the original sections, and also sections 28-333 and 28-334, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud Barrett Beutler Beyer Carsten
Clark DeCamp Eret Fenger Goll
Haberman Hannibal Hefner Higgins Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Lundy McDonald Newell
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 7:

Chambers Harris Landis Marsh Morehead
Nichol Vickers

Present and not voting, 1:

Hoagland

Excused and not voting, 2:

Chronister Goodrich

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 744 to Select File

Mr. Hoagland moved to return LB 744 to Select File for the specific amendment, AM2570, found in the Journal on page 1769.

Mr. Hoagland asked unanimous consent to withdraw his pending motion. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 744. With Emergency.

A BILL FOR AN ACT relating to gambling; to amend section 28-1101, Revised Statutes Supplement, 1983; to redefine terms; to provide for the termination of certain lotteries; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud Barrett Beutler Beyer Carsten
Chambers Clark DeCamp Eret Fenger
Goll Haberman Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Johnson, V. Kahle Kilgarin Labedz Lamb

Landis Lundy Marsh McDonald Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Scofield Sieck
Vickers Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 2:

Chronister Goodrich

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 960 to Select File

Mr. Landis moved to return LB 960 to Select File for the following specific amendment:
AM2708
(Amendments to Final Reading Copy)
1. Insert the following new section:
"Sec. 9. This act shall become operative on July 1, 1985.".
2. Renumber original section 9 as section 10.
3. On page 1, line 6, after the semicolon insert "to provide an operative date;".

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

The Landis motion to return prevailed with 26 ayes, 2 nays, 18 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 960. The Landis specific amendment, AM2708, found in this day's Journal was adopted with 26 ayes, 2 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 960A to Select File

Mr. Landis moved to return LB 960A to Select File for the following specific amendment:

Strike enacting clause.

The motion to return prevailed with 30 ayes, 2 nays, 14 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 960A. The Landis specific amendment found in this day's Journal was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

LB 960A stands indefinitely postponed.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 1060 in the Journal. No objections. So ordered.

AM2712
(Amendments to Final Reading Copy)

1. On page 3, strike beginning with "a" in line 25 through the period in line 26, show as stricken, and insert "such provisions are complied with.".

Mr. Carsten asked unanimous consent to print the following amendment to LB 892 in the Journal. No objections. So ordered.

AM2650

1. Insert the following new sections:

"Sec. 3. To assist the Governor in developing estimates of revenue pursuant to section 81-125 and the Legislature in setting the rates of the income tax and sales tax pursuant to section 77-2715.01, there is hereby created the Nebraska Economic Forecasting Advisory Board.

Sec. 4. The Nebraska Economic Forecasting Advisory Board shall consist of nine members, five of whom shall be appointed by and serve at the pleasure of the Executive Board of the Legislative Council, and four of whom shall be appointed by and serve at the pleasure of the Governor. Each member of the board shall have demonstrated expertise in the field of tax policy, economics, or economic forecasting. A majority of the members of the board shall constitute a quorum for the purpose of transacting business and every act of a majority of the members shall be deemed an act of the board. Board members shall serve without compensation, but may be reimbursed for actual and necessary expenses as provided in sections 84-306.01 to 84-306.05 for state employees.

Sec. 5. The Nebraska Economic forecasting Advisory Board shall meet quarterly during the months of March, June, September, and December of each year for the purpose of developing a consensus projection of economic activity in Nebraska for the subsequent twelve-month period. The board shall estimate growth or decline for the subsequent twelve-month period in the state unemployment rate, gross state product, statewide personal income, and such other indices of state economic activity as the board may deem appropriate.

Sec. 6. The Legislative Fiscal Analyst and the Department of Revenue shall provide such staff support as the Nebraska Economic Forecasting Advisory Board may require. The Legislative Fiscal Analyst, in developing revenue estimates pursuant to LB 664, Eighty-eighth Legislature, Second Session, 1984, and the Department of Revenue in developing revenue estimates for the Governor pursuant to section 81-125, shall consider the estimates of economic activity developed by the board pursuant to section 5 of this act.".

2. Renumber remaining sections accordingly.

Mr. Remmers and Mrs. Morehead asked unanimous consent to print the following amendment to LB 457 in the Journal. No objections. So ordered.

1. Strike the Beutler amendment adopted March 26, 1984, and all amendments thereto.

2. In the E & R amendments strike beginning with the colon in line 5 through "On" in line 8 and insert ", on".

3. In the Wesely amendments, AM2331:

a. On page 3, line 12, strike "sixty-two" and insert "sixty";

b. On page 4, strike beginning with "prior" in line 9 through the underscored comma in line 11, show the old matter as stricken, and insert "after the date that the member has attained the age of sixty, and the sum of the member's age and the member's creditable service equals or exceeds ninety,"; strike beginning with the second "the" in line 12 through "service" in line 15 and insert "this date"; and in line 17 strike the new matter and reinstate the stricken matter; and

c. On page 8, in lines 1 and 10 strike the new matter and reinstate the stricken matter; and in line 9 strike "with ten years of creditable service".

d. On page 8, line 18, and on page 9, line 6, strike beginning with "five" through "half", show the old matter as stricken, and insert "five and one tenth".

NOTICE OF COMMITTEE HEARING
Public Works

Governor Appointments Tuesday, April 3, 1984 1:15 P.M.
Alan Young - Motor Vehicle Licensing Board
Thom K. Cope - Motor Vehicle Licensing Board
Rick E. McFayden - Motor Vehicle Licensing Board

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 459.

Introduced by By Agriculture and Environment Committee: Haberman, 44th District, Chairperson; Chronister, 18th District; Eret, 32nd District; McDonald, 31st District; Pappas, 42nd District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; DeCamp, 40th District.

WHEREAS, The Legislature recognizes the serious problems associated with the use of synthetic fertilizers and pesticides, both to the environment and to the health of all living creatures.

WHEREAS, long-term developments and experimentation and commercial use of organic, non-polluting compounds have demonstrated in a mulititude of countries, particularly in France as witnessed by the efforts of the Lemaire Company agricultural program, that we can in fact reverse or eliminate pollution and other environmental destruction while still achieving high productivity.

WHEREAS, it is the responsibility of the Legislature to examine the future course of environmental protection for the state of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

(1) That the members of the Legislature recognize and commend the efforts by industries seeking to mitigate the detrimental impact of pollution and pesticides upon the environment.

(2) That the University of Nebraska Department of Agronomy investigate the utility of the product "Lithothadium Calcarium," study the strain of seed wheat developed in France for possible creation of direct foreign export markets, and conduct research as to the positive effects these products may contribute to environmental control and preservation.

(3) That the conclusions of the research conducted by the University of Nebraska shall be reported to the Agriculture and Environment Committee for review and consideration.

Laid over.

MOTION - Return LB 981 to Select File

Mr. Newell moved to return LB 981 to Select File for his specific amendment, AM2610, found in the Journal on page 1953.

The Newell motion to return prevailed with 26 ayes, 2 nays, 18 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 981. The Newell specific amendment, AM2610, found in the Journal on page 1953 was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Newell asked unanimous consent to withdraw his pending amendment, AM2611, found in the Journal on page 2062. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1076.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-820, 8-905, and 8-906, Revised Statutes Supplement, 1983, and section 8-903, Revised Statutes Supplement, 1983, as amended by section 2, Legislative Bill 1026, Eighty-eighth Legislature, Second Session, 1984; to change provisions relating to fees for certain transaction cards; to change provisions relating to certain acquisitions; to define terms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Abboud
Beyer
Clark
Fenger
Goll
Haberman
Hannibal
Harris
Jacobson
Johnson, L.
Johnson, V.
Kahle
Landis
Lundy
Marsh
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Remmers
Rupp
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 11:

Barrett
Carsten
Chambers
Higgins
Johnson, R.
Kilgarin
Labedz
Lamb
McDonald
Morehead
Pirsch

Present and not voting, 5:

Beutler
DeCamp
Eret
Hefner
Scofield

Excused and not voting, 3:

Chronister
Goodrich
Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1064 to Select File

Mr. Lamb moved to return LB 1064 to Select File for the following specific amendment:
AM2715
(Amendments to Final Reading Copy)

1. Strike original section 1 and insert the following new section:

"Section 1. When any person, firm, partnership, or corporation contracts or agrees with another to deliver any feed or feed ingredients for any kind of livestock, the person, firm, partnership, or corporation so procured, contracted with, agreed with, or hired shall have a lien upon such livestock for the feed or feed ingredients and related costs incurred in the delivery of such feed or feed ingredients for the agreed upon contract price or, in case no price has been agreed upon, then for the reasonable value of such feed or feed ingredients and related delivery costs, which shall be a first, paramount, and prior lien if the holders of any prior liens have agreed in writing to the contract for the feed or feed ingredients and related delivery costs. The lien may only be foreclosed against the person who has contracted or agreed for such feed, feed ingredients, and related costs incurred in the delivery of such feed or feed ingredients.

Such person, firm, partnership, or corporation delivering feed or feed ingredients or incurring delivery costs shall file a notice in the office of the county clerk of the county in which such livestock are located. Such notice of lien shall designate:

(1) The name and address of the person for whom such feed or feed ingredients were delivered;

(2) The amount due for such feed or feed ingredients covered by the lien;

(3) The place where such livestock are located;

(4) A reasonable description of such livestock including the number and type of such livestock; and

(5) The last date on which such feed or feed ingredients were delivered.

Such lien shall attach and have priority as of the date of the filing if filed in the manner provided in this section and may be foreclosed in the manner and form provided for the foreclosure of secured transactions in article 9 of the Uniform Commercial Code.

Upon receipt of a lien filed pursuant to this section or an amendment, release, or termination of such lien, the county clerk shall immediately transmit to the Secretary of State the following information:

(a) Identification of the document;

(b) Document number;

(c) Name and address of the debtor or debtors;

(d) Name and address of the creditor or creditors;

(e) Type or types of goods covered;

(f) Date and time of filing; and

(g) Social security or federal identification number of the debtor or debtors, if known.

The fee for filing, amending, or releasing such lien shall be the same as set forth in section 9-403, Uniform Commercial Code.

Nothing in this section shall be construed to amend or repeal section 54-201 relating to agister's liens.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 130, 716, 726, 822, 910, 999, 473, 682, 692, 695, 744, and 1076.

MOTION - Return LB 1064 to Select File

Mr. Lamb renewed his pending motion found in this day's Journal to return LB 1064 to Select File for his specific amendment, AM2715.

The Lamb motion to return prevailed with 27 ayes, 3 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1064. The Lamb specific amendment, AM2715, found in this day's Journal was adopted with 26 ayes, 3 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 936. E & R amendments, AM5360, found in the Journal on page 1528 for the Forty-Fourth Day were adopted.

Mr. Withem asked unanimous consent to withdraw his pending amendment found in the Journal on page 1462. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 925. Messrs. Hannibal, Withem, and Mrs. Labedz renewed their pending amendment, AM2532, found in the Journal on page 1783.

Mr. Landis offered the following amendment to the pending Hannibal-Withem-Labedz amendment:

Strike all of the Hannibal amendment except lines 1-9 on page 2. Further, insert, "Strike beginning with 'Such' in line 7 through 10 on page 3, the Standing Committee amendments.

The Landis amendment lost with 3 ayes, 9 nays, 36 present and not voting, and 1 excused and not voting.

Mr. Hannibal moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Hannibal requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Abboud Barrett Beyer Carsten Chronister
Clark DeCamp Fenger Goll Haberman
Hannibal Harris Hefner Higgins Hoagland
Jacobson Johnson, L. Johnson, R. Labedz Lamb
Marsh McDonald Nichol Peterson, R. Von Minden
Wagner Withem

Voting in the negative, 15:

Beutler Chambers Eret Johnson, V. Landis
Lundy Newell Pappas Peterson, H. Remmers
Rupp Sieck Vickers Warner Wesely

Present and not voting, 6:

Kahle Kilgarin Morehead Pirsch Schmit
Scofield

Excused and not voting, 1:

Goodrich

The Hannibal-Withem-Labedz amendment was adopted with 27 ayes, 15 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Newell moved to indefinitely postpone LB 925.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CLARK PRESIDING

Mr. Newell moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Newell requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 26:

Beutler
Chambers
Clark
Eret
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Landis
Lundy
McDonald
Morehead
Newell
Pappas
Peterson, H.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Warner
Wesely
Withem

Voting in the negative, 16:

Abboud
Beyer
Carsten
Haberman
Hannibal
Harris
Higgins
Jacobson
Johnson, R.
Labedz
Lamb
Nichol
Peterson, R.
Schmit
Von Minden
Wagner

Present and not voting, 5:

Chronister
DeCamp
Fenger
Goll
Marsh

Excused and not voting, 2:

Barrett
Goodrich

The Newell motion to indefinitely postpone prevailed with 26 ayes, 16 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

ANNOUNCEMENT

Mr. V. Johnson announced that the Legislative Council Executive Board will meet Tuesday, April 3, 1984, in Room 2102 of the State Capitol at 12:00 noon.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following

amendment to LB 892 in the Journal. No objections. So ordered.

AM2332

1. Insert additional sections as follows:

"Section 1. The Legislature finds and declares that homeowners in Nebraska have carried an excessive share of the tax burden through property taxes. It is the intent of the Legislature to provide these property taxpayers with true property tax relief. Such relief shall take the form of a direct reimbursement to the taxpayer without an increase in any other tax.

Sec. 2. For the purpose of this act, unless the context otherwise requires, the definitions found in sections 3 to 6 of this act shall be used.

Sec. 3. Homeowner shall mean a person who (1) actually occupies and is the owner of record or is purchasing a homestead under a land contract, (2) actually occupies and owns or is purchasing a dwelling situated on the leased lands of another, (3) is a tenant-stockholder of a cooperative housing corporation, or (4) is the beneficiary of a trust of which the trustee is the record title owner and the beneficiary-occupant has (a) a specific right to occupy the premises as stated in the trust instrument, (b) the right to amend or revoke the trust to obtain such power of occupancy or of title, or (c) the power to withdraw the homestead premises from the trust and place the record title in such occupant's name.

Sec. 4. Homestead shall mean the dwelling and so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for use of the dwelling as a home, and may consist of a part of a multifamily dwelling or multipurpose building and a part of the land upon which it is built. Homestead shall also include mobile homes.

Sec. 5. Household shall mean the homeowner, his or her spouse, and all other persons except minors who live in the same dwelling sharing the furnishings, facilities, accommodations, and expenses.

Sec. 6. Property taxes paid shall mean property taxes, exclusive of special assessments, delinquent interest, and charges for service, levied on a homeowner's homestead in this state in 1983 or any calendar year thereafter and actually paid by the homeowner. When a homeowner owns and occupies two or more different homesteads in the state in the same calendar year, property taxes paid shall mean the total property taxes paid for both homesteads, except that if both homesteads are simultaneously owned by the homeowner, property taxes paid shall mean the property taxes paid for only one homestead during the period of simultaneous ownership. If a homestead is an integral part of a large unit such as a farm or a multipurpose or multifamily dwelling, property taxes paid shall be a percentage of the total property taxes paid in proportion to the value of the homestead as compared to the total value of the property. For purposes of this section, unit refers to the parcel of property covered by a single tax statement of which the homestead is a part.

Sec. 7. All homesteads in this state shall be assessed for taxation the same as other property except that assistance shall be provided to homeowners on a percentage of the property tax paid on the homestead as provided in section 9 of this act.

Sec. 8. Upon request of the Tax Commissioner, each county assessor shall supply to the Department of Revenue a statement of property taxes paid by every homeowner in the county.

Sec. 9. The Tax Commissioner shall use the statement provided in section 8 of this act to calculate the tax reimbursement each homeowner shall receive. Each homeowner shall receive the lesser of forty per cent of the property taxes paid on their homestead or four hundred dollars. A check for such reimbursements shall be mailed to each recipient on or before October 15, 1984, and before such date each year thereafter, for the preceding year's property taxes.

Sec. 10. Any person aggrieved by the denial in whole or in part of relief claimed under this act, except when the denial is based upon late filing of a claim, may appeal the denial to the Department of Revenue by filing a notice of appeal within twenty days after receipt of notice of such denial. The appeal shall be made pursuant to Chapter 84, article 9.

Sec. 11. A claim shall be disallowed if the Department of Revenue finds that the claimant received title to his or her homestead primarily for the purpose of receiving benefits under this act.

Sec. 12. A person may amend a claim for relief under this act by filing an amended claim. The amended claim must be filed within two years of the filing of the initial claim.

Sec. 13. The Tax Commissioner shall adopt and promulgate rules and regulations which are necessary for the administration of this act.

Sec. 14. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 645A, 801A, 825A, 1001A, 1089A, 1106A, 1127A, and 1131.

(Signed) Rod Johnson, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 2, 1984, at 3:50 p.m., were the following bills: 130, 716, 726, 822, 910, 999, 473, 682, 692, 695, 744, and 1076.

(Signed) Jan Loder, Enrolling Clerk

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 12, Governor's Appointments, which was approved by the Board on March 30, 1984.

Public Works

Alan Young - Motor Vehicle Industry Licensing Board
Thom K. Cope - Motor Vehicle Industry Licensing Board

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following

amendment to LB 949 in the Journal. No objections. So ordered.

AM2718
(Amendments to AM 2693)

1. On page 8, line 24, after "Gross" insert "proceeds may include the value of any free tickets or free plays used until January 1, 1985. Thereafter gross".

SELECT FILE

LEGISLATIVE BILL 832. E & R amendments, AM5415, found in the Journal on page 1946 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 832A. Mr. McDonald offered the following amendment:

PURPOSE: To provide an increase of $16,905 incurred by the adoption of AM2585 to LB 832.

AMENDMENT: On page 2, lines 2 and 3, strike "8,977" and insert "25,882"; in lines 10 and 11, strike "6,480" and insert "16,308".

Mr. Beutler and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

The McDonald amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 762. Mr. V. Johnson asked unanimous consent to withdraw his pending amendments, AM2573, AM2574, AM2572, and AM2575 found in the Journal on pages 1804, 1807, and 1808. No objections. So ordered.

Mr. Vickers asked unanimous consent to withdraw his pending amendments found in the Journal on page 2002. No objections. So ordered.

Mr. Remmers asked unanimous consent to be excused. No objections. So ordered.

Mr. Beyer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Messrs. R. Johnson and V. Johnson offered the following amendment:

1. On page 4, line 4, before "An" insert "(1)"; and after line 16 insert a new subsection as follows:

"(2) No agency shall be required to prepare or file a regulatory analysis with respect to a rule proposed for adoption which falls within one or more of the following categories:

(a) Rules of practice and procedure governing contested cases within the agency;

(b) Rules setting factors, rates, or schedules of factors or rates, for tax-related purposes, if the setting of such factors or rates is required by changes in state or federal tax laws or through the application of a formula to data collected for tax-related purposes."

2. Page 4, line 8 strike "the chairperson" and insert "a majority of the members". On page 4, line 9 strike "the chairperson" and insert "a majority of the members". Page 4, line 12 strike beginning with the second comma after "Governor" through "request" on line 14. On page 4, line 12, insert "or" before "the Governor". On Page 5, line 23 strike beginning with "In" through "Regulations." on page 6, line 1.

3. Strike section 6 and insert the following new section:

"Sec. 6. If the agency has issued its regulatory analysis of a proposed rule in response to a request made pursuant to section 3 of this act, the adopted rule may not be invalidated on the grounds that the contents of the regulatory analysis are insufficient or inaccurate." 4. Section 8, page 8, line 12: After "rule." strike period and insert the following "or adopting the amended proposed rule based on the public comment from the hearing process as described in section 84-907."

The R. Johnson-V. Johnson amendment was adopted with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Hannibal asked unanimous consent to withdraw his pending amendment found in the Journal on page 1996. No objections. So ordered.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson offered the following amendment:
AM2567
(Amendments to the Standing Committee amendments)

1. On page 1, line 7, strike "3 to 15" and insert "6 to 18".

2. On page 2, line 7, after the semicolon insert "and"; in line 12 after "hearing" insert an underscored period; and strike beginning with the semicolon in line 12 through line 15 and show as

stricken.

3. On page 4, strike beginning with the first "the" in line 8 through the comma in line 9; and in line 18 strike "3" and insert "6".

4. On page 5, line 17, strike "3" and insert "6".

5. On page 6, line 21, strike "3 and 4" and insert "6 and 7".

6. On page 9, lines 2, 12, and 20, strike "3 to 9" and insert "6 to 12"; and strike beginning with "chairperson" in line 17 through the first "the" in line 18.

7. On page 10, line 2, strike "3 to 9" and insert "6 to 12"; in line 16 strike "11" and insert "14"; and in line 26 strike "5" and insert "8".

8. On page 12, line 8, strike "10" and insert "13"; in line 10 strike "13" and insert "16"; in line 14 strike "12" and insert "15"; in lines 18 and 21 strike "3 to 14" and insert "6 to 17"; in line 23, strike "and" and insert ", 84-902, 84-904, 84-907, and 84-908,"; and in line 24 strike "84-907," and after "1943," insert "and also sections 84-901.01, 84-901.02, and 84-908.01 to 84-908.05, Reissue Revised Statutes of Nebraska, 1943,".

9. Insert new sections as follows:

"Sec. 2. That section 84-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-902. (1) Each ~~agency shall file with the Revisor of Regulations, no sooner than June 30, 1975, nor later than August 31, 1975, two certified copies of the rules in force and effect for such agency on that date. Thereafter, each~~ agency shall file annually with the Revisor of Regulations two certified copies of any amendments or modifications to the rules in force and effect for such agency no later than June 30 of each year. The Revisor of Regulations shall place and keep one of the certified copies in a permanent file and shall file the remaining certified copy as a library copy to be used by the Legislature.

(2) Each agency shall file forthwith in the office of the Secretary of State a certified copy of the rules in force and effect in such agency on August 10, 1945. A certified copy of any rule adopted after August 10, 1945, shall likewise be so filed. The Secretary of

State shall keep a permanent file of all such rules, which shall be open to public inspection during regular business hours of his or her office. The Secretary of State, in order to maintain and keep such files current, shall be empowered to require new and amended rules to be filed as complete file pages and to remove all superseded pages to a separate file. ~~Each agency shall file with the Secretary of State, no sooner than June 30, 1975, nor later than August 31, 1975, a certified copy of the rules in force and effect for such agency on that date.~~ Each agency shall annually file with the Secretary of State a certified copy of any amendments or modifications to rules in force and effect for such agency no later than June 30 of each year.

(3) Rules filed with the Revisor of Regulations and the Secretary of State pursuant to this section shall be filed in the manner and form prescribed by the Revisor of Regulations. The Revisor of Regulations shall, no later than January 1, 1975, issue instructions to all state agencies setting forth the format to be followed by all agencies in submitting regulations to the Revisor of Regulations and the Secretary of State. Such instructions shall provide for a uniform page size, a generally uniform and clear indexing system, and annotations including designation of enabling legislation and court or agency decisions interpreting the particular rule or regulation. For good cause shown, the Revisor of Regulations~~, with the consent of the chairman of the Administrative Rules and Regulations Review Committee,~~ may grant exceptions to the uniform page size requirement and the general indexing instructions for any agency.

(4) Prior to June 30, 1975, each agency shall undertake a complete and thorough review of rules in force and effect for such agency. Regulations that are outdated, inadequate, and repetitious shall be deleted or modified and all of the rules shall be recodified in conformity with instructions issued by the Revisor of Regulations. All modifications to agency rules shall be made in conformity with section 84-907 far enough in advance of the filing deadline to insure that a final revised copy of the agency rules may be certified and filed with both the Revisor of Regulations and the Secretary of State by the filing deadline.

(5) The Clerk of the Legislature shall deliver

to the Revisor of Regulations all records and materials pertaining to administrative rules and regulations on file in the clerk's office.

Sec. 3. That section 84-904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-904. ~~(1) The Revisor of Regulations shall file with the Administrative Rules and Regulations Review Committee, no sooner than June 30, 1975, nor later than August 31, 1975, and thereafter annually no later than January 1 a certified copy of the rules in force and effect for each agency on that date.~~

~~(2) The Administrative Rules and Regulations Review Committee shall review such agency rules and regulations and shall have the power to exercise its authority and procedures pursuant to sections 84- 901.02 and 84- 908.02 to 84- 908.05 and may recommend to the Legislature that the original enabling legislation serving as authority for promulgation of such rules be repealed, changed, altered, amended, or modified in such manner as it deems advisable.~~ Any agency rule or regulation promulgated under a statutory grant of authority shall become null and void upon the effective date of any statute which repeals, changes, alters, amends, or modifies such statutory grant of authority.

Sec. 5. That section 84-908, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-908. ~~Except as otherwise provided in sections 84- 901.02 and 84- 908.02 to 84- 908.05, no~~ No adoption, amendment, or repeal of any rule shall become effective until the same shall have been approved by the Governor and filed with the Revisor of Regulations after a hearing has been set on such rule pursuant to section 84-907. Any rule properly adopted by any agency shall be filed with the Revisor of Regulations. ~~and by that office referred to the Administrative Rules and Regulations Review Committee.~~".

10. Strike the first adopted Beutler amendment on page 1699 of the Journal and the second adopted Beutler amendment on page 1700 of the Journal.

11. Renumber remaining sections accordingly.

Mr. Pappas requested a ruling of the Chair on whether the V. Johnson amendment is germane to the bill.

The Chair ruled the V. Johnson amendment not germane to the bill.

Mr. V. Johnson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mrs. Higgins requested a record vote on the motion to overrule the Chair.

Voting in the affirmative, 10:

Higgins Johnson, V. Kilgarin Labedz McDonald
Morehead Newell Rupp Wesely Withem

Voting in the negative, 23:

Abboud Beyer Carsten DeCamp Fenger
Goll Haberman Hefner Jacobson Johnson, L.
Johnson, R. Kahle Lamb Landis Lundy
Marsh Pappas Peterson, H. Scofield Vickers
Von Minden Wagner Warner

Present and not voting, 11:

Chambers Chronister Clark Eret Hannibal
Harris Hoagland Nichol Pirsch Schmit
Sieck

Excused and not voting, 5:

Barrett Beutler Goodrich Peterson, R. Remmers

The motion to overrule the Chair lost with 10 ayes, 23 nays, 11 present and not voting, and 5 excused and not voting.

The Chair was sustained.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins requested a machine vote on the advancement of the bill.

Mrs. Higgins requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud Beyer Chronister Clark DeCamp
Fenger Goll Haberman Hannibal Hefner
Jacobson Johnson, L. Johnson, R. Johnson, V. Kahle
Lamb Landis Lundy Marsh Newell
Nichol Pappas Peterson, H. Sieck Vickers
Wagner Withem

Voting in the negative, 10:

Carsten Eret Higgins Kilgarin Labedz
McDonald Morehead Rupp Warner Wesely

Present and not voting, 7:

Chambers Goodrich Harris Hoagland Pirsch
Scofield Von Minden

Excused and not voting, 5:

Barrett Beutler Peterson, R. Remmers Schmit

Advanced to E & R for Engrossment with 27 ayes, 10 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 112. E & R amendments, AM5417, found in the Journal on page 1983 for the Fifty-Fourth Day were adopted.

Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 10 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 112A. E & R amendment, AM5428, found in the Journal on page 2151 for the Fifty-Sixth Day was adopted.

Mr. H. Peterson requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 229. E & R amendments, AM5398, found in the Journal on page 1757 for the Forty-Ninth Day were adopted.

Mr. Beutler asked unanimous consent to withdraw his pending amendment, AM 2461, found in the Journal on page 1592. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 790. E & R amendments, AM5399, found in the Journal on page 1758 for the Forty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 460.

Introduced by Kilgarin, 7th District; Pirsch, 10th District; Sieck 24th District.

WHEREAS, serious crime continues to ravage at least one fourth of all Nebraska households each year; and

WHEREAS, the victims of crime often face serious financial, physical, and psychological losses; and

WHEREAS, traditionally such injuries have been ignored and witnesses have been treated like evidence rather than people; and

WHEREAS, Victim Witness Assistance Centers in Lincoln and Kearney have proven successful in protecting victims, especially the elderly, from harassment and intimidation; and

WHEREAS, Victim Witness Assistance Centers have been successful in assisting law enforcement agencies and officers to arrest, prosecute, and convict perpetrators of crimes; and

WHEREAS, all citizens of the United States should have an equal opportunity to be treated with compassion, dignity and justice; and

WHEREAS, the Nebraska Legislature has been a leader in recognizing the plight of the crime victim by establishing the Victim's Bill of Rights into law, and continues to show its concern by enacting legislation which further protects the rights of the victim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize that it is the duty of all citizens and institutions, public and private, to support the establishment and enforcement of the rights of victims in Nebraska in order to insure the fair administration of justice.

2. That the Legislature hereby declares the week of April 15 to 21, 1984 to be Victims Rights Week in Nebraska.

Laid over.

VISITORS

Visitors to the Chamber were 21 students and teachers from Manley and Heil Schools, Manley and Louisville; Mr. and Mrs. Erwin Lostroh and Mr. and Mrs. Merle Gies; Doyle, Kay, Jason, Justin, and Jeremy LaVene from Bertrand; 15 students and teacher from Bancroft-Rosalie School, Bancroft; and 60 students and teachers from Randolph School, Lincoln.

ADJOURNMENT

At 4:54 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Tuesday, April 3, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 3, 1984

LEGISLATIVE JOURNAL

FIFTY-EIGHTH DAY - APRIL 3, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 3, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Reverend Paul Otte, St. Paul's United Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Clark who was excused; and Messrs. Abboud, Chambers, Goodrich, Hoagland, R. Johnson, V. Johnson, Newell, Rupp, Schmit, Mesdames Higgins, Labedz, Morehead, Pirsch, Miss Kilgarin, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Seventh Day was approved.

MESSAGE FROM THE GOVERNOR

April 2, 1984

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I hereby return LB 1126 with my signature but with specific line-item veto reductions.

The critical question in any budget process is: "How much can we afford to spend?" This question is asked by individuals when they budget, it is asked by families when they budget, it is asked by businesses when they budget, and it should be asked by government when it budgets.

In my message to you of March 12, 1984 I indicated that it was my strong opinion we could only afford a budget expenditure level consistent with a 3 1/2 percent sales tax rate, a 19 percent income tax rate, and a 5 percent reserve. This corresponds to an expenditure figure of $818 million, which was the budget target established by the Appropriations Committee as well.

Also in that message I outlined my intention to line-item veto the mainline appropriations measure below $800 million in order to allow us some flexibility to accommodate new initiatives in three priority areas: water, education and economic development. I have taken those actions. I made reductions in areas which have a lesser importance so as to make room for expenditures of a higher priority. These priority initiatives are not just mine. They are the product of intensive work over the last year by many individual Nebraska citizens who have given of their time, talent and energy to assist us in identifying new directions and new areas of need for the involvement of state government.

It is clear, however, that we cannot do everything. We must have the discipline to restrain our desires to spend more on the existing operations of government to provide the necessary flexibility to engage in innovation and creativity.

Is it difficult? Yes. Does it take discipline? Yes. Does it take courage? Yes. However, Nebraskans are clearly capable of accomplishing difficult and courageous objectives which require discipline.

My action on LB 1126 eliminates all but $135,000 of the over $25 million appropriation in the measure. This $135,000 is a critical component of two of our major economic development objectives.

This action taken in combination with the veto overrides to date puts the budget at a little over $817 million, leaving less than $1 million remaining for allocation.

I am sincerely disappointed that legislative action has prevented us from providing more money for the critical priority areas outlined by the individual Nebraskans who assisted in the development of these recommendations. On the bright side, however, we can still build the base this year in law to establish clear and concise policy objectives in the water, education and ecomonic development area. This will provide a sound base for us to once again debate budget priorities next year.

It is important to always keep in mind, however, that the most important objective is to establish firmly an overall spending limit consistent with a prudent and sound budget, consistent with the state of the economy, consistent with economic uncertainty, and most importantly, consistent with a fair sense of what the taxpayers of this state can afford. It continues to be clear to me that that level of spending is $818 million and we should simply have the self-discipline to achieve it.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:jeb

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolutions 350, 337, 303, and 298.

LR	**Committee**
350	Urban Affairs
337	Joint - Constitutional Revision and Recreation - Revenue
303	Constitutional Revision and Recreation
298	Urban Affairs

Education
Safety Center Advisory Council
Robert Gunderson
Judge Janice Walker
Carol Cope
Marvin Renner
Dr. Kenneth Kimball
Gary Lund
Fred Zwonechek
Beth Klosterman
Robert Ferguson

Public Works
Motor Vehicle Industry Licensing Board.
Rick E. McFayden

Public Health and Welfare
Rural Health Manpower Commission
Marita Fickes

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Judiciary Committee for the following Governor appointments found in the Journal on page 2133: Carlos Alvarez, Nebraska Parole Board; Ron Bartee, Chairperson, Nebraska Parole Board; Merritt Green, Executive Director, Nebraska Commission on Law Enforcement and Criminal Justice; Frank O. Gunter, Director, Department of Corrections; and Mary Wieseman, Nebraska Parole Board.

Voting in the affirmative, 25:

Barrett	Beutler	Beyer	Carsten	Chronister
DeCamp	Eret	Fenger	Goll	Harris
Hefner	Jacobson	Johnson, L.	Kahle	Landis
Lundy	Marsh	McDonald	Nichol	Pappas
Peterson, H.	Von Minden	Wagner	Wesely	Withem

Voting in the negative, 0.

Present and not voting, 8:

Haberman	Hannibal	Lamb	Peterson, R.	Remmers
Sieck	Vickers	Warner		

Excused and not voting, 16:

Abboud	Chambers	Clark	Goodrich	Higgins
Hoagland	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Morehead	Newell	Pirsch	Rupp	Schmit
Scofield				

The appointments were confirmed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 892. Mr. Carsten renewed his pending amendment, AM2650, found in the Journal on page 2199.

The Carsten amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM2332, found in the Journal on page 2208.

Mr. DeCamp requested a record vote on his amendment.

Voting in the affirmative, 7:

DeCamp Eret Haberman McDonald Morehead
Nichol Pappas

Voting in the negative, 28:

Abboud Barrett Beyer Carsten Fenger
Goll Hannibal Harris Hefner Hoagland
Johnson, L. Johnson, R. Johnson, V. Kahle Lamb
Landis Lundy Marsh Newell Peterson, H.
Pirsch Remmers Scofield Vickers Wagner
Warner Wesely Withem

Present and not voting, 7:

Beutler Chronister Jacobson Peterson, R. Schmit
Sieck Von Minden

Excused and not voting, 7:

Chambers Clark Goodrich Higgins Kilgarin
Labedz Rupp

The DeCamp amendment lost with 7 ayes, 28 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Vickers offered the following amendment:
AM2710

1. In the Standing Committee Amendments:

a. On page 1, line 7, after "sales" insert "and use"; in line 8 strike "three and one half" and insert "four"; and in line 12 strike "their effective date" and insert "August 1, 1984";

b. Strike amendment 2; and

c. Renumber amendment 3 as amendment 2.

2. On page 2, line 16, strike "rates", show as stricken, and insert "income tax rate"; and strike beginning with "permanent" in line 17 through "81-125" in line 19, show as stricken, and insert "the rate set by section 1 of this act becomes operative and the sales and use tax rate in effect on January 1, 1984, shall remain in effect until the rate set by section 2 of this act becomes operative".

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM2710. No objections. So ordered.

Mr. Pappas offered the following amendment:

1. In the Standing Committee amendments, on page 1, line 5, strike "nineteen" and insert "eighteen"; in line 7, after "sales" insert "and use"; in line 8 strike "three and one half" and insert "five"; in line 9 strike "4" and insert "8"; in line 12 strike "their effective date" and insert "July 1, 1985"; and in line 16 strike "5" and insert "9".

2. On page 3, strike lines 4 through 11 and show as stricken; in line 12 strike "(d)", show as stricken, and insert "(c)"; in line 20 strike "(e)", show as stricken, and insert "(d)"; and in line 24 strike "(f)", show as stricken, and insert "(e)".

3. Insert the following new sections:

"Sec. 4. For fiscal year 1984- 85 and each fiscal year thereafter the Legislature shall appropriate not less than one hundred million dollars from the General Fund for reduction of school district property taxes pursuant to sections 5 to 7 of this act.

Sec. 5. The funds appropriated pursuant to section 4 of this act shall be distributed to the various county treasurers of the state on the basis of the pro rata enumeration of children between the ages of five and eighteen years in each county last returned to the county superintendent. The Commissioner of Education shall determine the amount to be distributed to each county treasurer, shall notify each county superintendent of the amount of funds to be received in that county by August 25 of each year, and shall certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in nine equal monthly payments on the last business day of each month beginning October 1984 and each October thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall on the last business day of each month draw warrants against funds appropriated.

Sec. 6. The amount of funds received by the county treasurer pursuant to section 5 of this act shall be subtracted by the county board from the various general fund levies of school district property taxes in the county as such levies are reported pursuant to section 23- 927 and shall reduce the school district general fund property tax to be levied by an amount equal to the amount of funds to be received by each school district in the county pursuant to sections 4 to 7 of this act. No school district shall take into consideration the amount it will receive under sections 4 to 7 of this act during its fiscal year in determining the property tax it would otherwise levy for that fiscal year and no county official shall notify the school district of the funds it will receive pursuant to sections 4 to 7 of this act until after August 25 of each year. The county treasurer shall not retain any of the funds distributed pursuant to sections 4 to 8 of this act for administrative costs.

Sec. 7. The county superintendent of schools shall determine the amount of funds to be received by each school district levying property taxes in the county pro rata according to the enumeration of those children for which the district is obligated to report on the census between the ages of five and eighteen years. The county superintendent shall certify such amounts to the county board and county treasurer by August 25 of each year. The county treasurer shall distribute such amounts to the school districts within one month of receiving each monthly payment from the state pursuant to section 5 of this act.”.

Mr. H. Peterson moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Pappas moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Pappas requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Beyer Carsten DeCamp Eret Haberman
Higgins Jacobson Johnson, R. Kahle Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Schmit Scofield Vickers
Withem

Voting in the negative, 24:

Abboud Barrett Beutler Chambers Chronister
Fenger Goll Hannibal Harris Hefner
Hoagland Johnson, L. Johnson, V. Lamb Landis
Peterson, R. Pirsch Remmers Rupp Sieck
Von Minden Wagner Warner Wesely

Excused and not voting, 4:

Clark Goodrich Kilgarin Labedz

The Pappas amendment lost with 21 ayes, 24 nays, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Newell renewed his pending amendment, AM2598, found in the Journal on page 1885.

Mr. Newell offered the following amendment to the pending Newell amendment:

On line 11 reinstate "twenty-five" on line 12 strike "twenty eight".
On line 15 strike "forty" and insert "thirty-eight"

Mr. Newell asked unanimous consent to withdraw both of his pending amendments. No objections. So ordered.

Messrs. R. Johnson and Lundy offered the following amendment:

1. In the Standing Committee amendments, on page 1, line 5, strike "nineteen" and insert "eighteen"; in line 7, after "sales" insert "and use"; in line 8 strike "three and one half" and insert "four and one half"; in line 9 strike "4" and insert "8"; in line 12 strike "their effective date" and insert "July 1, 1985"; and in line 16 strike "5" and insert "9".

2. On page 3, strike lines 4 through 11 and show as stricken; in line 12 strike "(d)", show as stricken, and insert "(c)"; in line 20 strike "(e)", show as stricken, and insert "(d)"; and in line 24 strike "(f)", show as stricken, and insert "(e)".

3. Insert the following new sections:

"Sec. 4. For fiscal year 1984-85 and each fiscal year thereafter the Legislature shall appropriate not less than seventy-five million dollars from the General Fund for reduction of school district property taxes pursuant to sections 5 to 7 of this act.

Sec. 5. The funds appropriated pursuant to section 4 of this act shall be distributed to the various county treasurers of the state on the basis of the pro rata enumeration of children between the ages of five and eighteen years in each county last returned to the county superintendent. The Commissioner of Education shall determine the amount to be distributed to each county treasurer, shall notify each county superintendent of the amount of funds to be received in that county by August 25 of each year, and shall certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in nine equal monthly payments on the last business day of each month beginning October 1984 and each October thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall on the last business day of each month draw warrants against funds appropriated.

Sec. 6. The amount of funds received by the county treasurer pursuant to section 5 of this act shall be subtracted by the county board from the various general fund levies of school district property taxes in the county as such levies are reported pursuant to section 23-927 and shall reduce the school district general fund property tax to be levied by an amount equal to the amount of funds to be received by each school district in the county pursuant to sections 4 to 7 of this act. No school district shall take into consideration the amount it will receive under sections 4 to 7 of this act during its fiscal year in determining the property tax it would otherwise levy for that fiscal year and no county official shall notify the school district of the funds it will receive pursuant to sections 4 to 7 of this act until after August 25 of each year. The county treasurer shall not retain any of the funds distributed pursuant to sections 4 to 8 of this act for administrative costs.

Sec. 7. The county superintendent of schools shall determine the amount of funds to be received by each school district levying property taxes in the county pro rata according to the enumeration of those children for which the district is obligated to report on the census between the ages of five and eighteen years. The county superintendent shall certify such amounts to the county board and county treasurer by August 25 of each year. The county treasurer shall distribute such amounts to the school districts within one month of receiving each monthly payment from the state pursuant to section 5 of this act.".

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER NICHOL PRESIDING

Mr. Lundy moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Lundy requested a roll call vote on the amendment.

Voting in the affirmative, 13:

Beyer
Eret
Haberman
Johnson, R.
Kahle
Lundy
Newell
Pappas
Pirsch
Schmit
Sieck
Vickers
Withem

Voting in the negative, 31:

Abboud
Barrett
Beutler
Carsten
Chambers
Chronister
Fenger
Goll
Goodrich
Hannibal
Harris
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, V.
Labedz
Lamb
Landis
Marsh
Morehead
Nichol
Peterson, H.
Peterson, R.
Remmers
Rupp
Scofield
Von Minden
Wagner
Warner
Wesely

Present and not voting, 2:

DeCamp
McDonald

Excused and not voting, 3:

Clark
Higgins
Kilgarin

The R. Johnson-Lundy amendment lost with 13 ayes, 31 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Hoagland moved to suspend the rules, Rule 6, Sec. 5 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 892.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Hoagland motion to suspend the rules prevailed with 31 ayes, 3 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Corrently Re-Engrossed

The following bills were correctly re-engrossed: 960, 981, and 1105.

Correctly Engrossed

The following bills were correctly engrossed: 470, 470A, 471, 516, and 516A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 470

The following changes, required to be reported for publication in the Journal, have been made:
ER0243
1. The section added by the Fenger amendment has been numbered as section 8.
2. In the E & R amendments:
a. On page 1, line 20, the last comma has been struck; and
b. On page 2, line 4, "emergency" has been struck and "sections" inserted, and the second "and" has been struck.

Enrollment and Review Change to LB 516

The following changes, required to be reported for publication in the Journal, have been made:
ER0244

1. In the Landis amendment adopted April 2, 1984, on page 1, line 3, "State" has been struck; and the matter beginning with "Notwithstanding" through the last period has been underscored.

2. Because of the Landis amendment adopted April 2, 1984:

a. In the E & R amendments:

i. On page 1, the matter beginning with "and" in line 5 through the first quotation marks in line 7 has been struck;

ii. Amendment 2 has been struck; and

iii. On page 4, the matter beginning with the semicolon in line 19 through the quotation marks in line 21 has been struck; and

b. On page 1, line 3, the second comma has been struck; and in line 5 "extend the existence of" has been struck and "reestablish" has been inserted.

3. On page 6, line 23, "priveleges" has been struck and "privileges" inserted.

4. On page 14, line 8, "of this act" has been inserted after "9".

Enrollment and Review Change to LB 981

The following changes, required to be reported for publication in the Journal, have been made:
ER0246

1. In the Newell amendment, AM2610, adopted April 2, 1984, on page 4, line 11, "8" has been struck and "13" has been inserted.

2. On page 1, line 13, "to provide for a system of" has been struck.

3. On page 2, line 1, "review;" has been struck.

Enrollment and Review Change to LB 1106A

The following changes, required to be reported for publication in the Journal, have been made:
ER0245

1. E & R Amendment 2 has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 461.

Introduced by Haberman, 44th District.

WHEREAS, Dick Clark, brother of Senator Robert Clark, passed from this life on Sunday April 1, 1984, at the age of 66; and

WHEREAS, Mr. Clark was born in Shenandoah, Iowa and was one of seven children; and

WHEREAS, Mr. Clark served with distinction as a Gunnery Sergeant during World War II; and

WHEREAS, Mr. Clark is survived by his wife Peggy and daughter Cheryl.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its sympathy to the family of Dick Clark.
2. That a copy of this resolution be presented to Senator Robert Clark on behalf of his family.

Laid over.

LEGISLATIVE RESOLUTION 462.

Introduced by Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; DeCamp, 40th District; Eret, 32nd District; Fenger, 45th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hannibal, 4th District; Harris, 27th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; R. Johnson, 34th District; V. Johnson, 8th District; Kahle, 37th District; Kilgarin, 7th District; Labedz, 5th District; Landis, 46th District; Lundy, 36th District; McDonald, 31st District; Morehead, 30th District; Newell, 13th District; Nichol, 48th District; Pappas, 42nd District; H. Peterson, 35th District; R. Peterson, 21st District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Richard G. Kopf has served as counsel to the special committee of the Legislature established to investigate matters related to the insolvency of Commonwealth; and

WHEREAS, the committee was charged with a number of duties requiring extensive legal research and investigation; and

WHEREAS, Mr. Kopf has conducted himself in a truly professional manner; and

WHEREAS, Mr. Kopf is deserving of special recognition for the professional services he has rendered to the Legislature and the citizens of the State of Nebraska; and

WHEREAS, Mr. Kopf has performed his duties with considerable dignity and expertise.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature express the fullest possible measure of appreciation to Richard G. Kopf for his dedicated service to the Special Commonwealth Committee and the Legislature.
2. That a copy of this resolution be sent to Richard G. Kopf.

Laid over.

LEGISLATIVE RESOLUTION 463.

Introduced by V. Johnson, 8th District.

WHEREAS, Wesely Mues has served as assistant counsel to Richard G. Kopf in representing the State of Nebraska in legal proceedings in the Supreme Court; and

WHEREAS, Mr. Mues was willing to assist with these proceedings on short notice and has made great efforts to see that the state's case was carefully prepared and presented; and

WHEREAS, Mr. Mues has performed his duties with considerable dignity and expertise.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature express appreciation to Wesely Mues for his dedicated service to the State of Nebraska.
2. That a copy of this resolution be sent to Wesely Mues.

Laid over.

LEGISLATIVE RESOLUTION 464.

Introduced by V. Johnson, 8th District.

WHEREAS, Graten Beavers has served as assistant counsel to Richard G. Kopf in representing the State of Nebraska in legal proceedings in the Supreme Court; and

WHEREAS, Mr. Beavers was willing to assist with these proceedings on short notice and has made great efforts to see that the state's case was carefully prepared and presented; and

WHEREAS, Mr. Beavers has performed his duties with considerable dignity and expertise.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF

THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature express appreciation to Graten Beavers for his dedicated service to the State of Nebraska.
2. That a copy of this resolution be sent to Graten Beavers.

Laid over.

LEGISLATIVE RESOLUTION 465.

Introduced by DeCamp, 40th District.

PURPOSE: The issue of health care cost containment is one that remains a priority for Nebraska's citizens. Because the medical costs of the consuming public reflect in part the health care provider's cost of doing business and because professional liability insurance premiums are part of the cost of doing business, the purpose of this interim study resolution is to examine the cost of medical malpractice insurance as it relates to overall health care costs. The study shall include a review of the accessibility of sufficient professional liability insurance to health care providers and a study of the feasibility of requiring property and casualty insurers writing medical malpractice insurance in this state to record and report their loss and expense experience and other data as may be necessary to determine whether rates comply with the standards set forth in sections 44-1401 to 44-1442, Reissue Revised Statutes of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 803. Mr. Newell asked unanimous consent to withdraw his pending motion to indefinitely postpone. No objections. So ordered.

Mr. Lamb moved to indefinitely postpone LB 803.

Messrs. DeCamp and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Fenger moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Lamb motion to indefinitely postpone prevailed with 25 ayes, 15 nays, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 852. E & R amendments, AM5424, found in the Journal on page 2030 for the Fifty-Fifth Day were adopted.

Messrs. Vickers and Hoagland renewed their pending amendment found in the Journal on page 1940.

Mr. Beyer asked unanimous consent to have his name added as co-introducer to the pending Vickers-Hoagland amendment. No objections. So ordered.

Mr. Wagner offered the following amendment to the pending Vickers-Hoagland-Beyer amendment:

In Sec. 1 after "landowner" insert "or operator".
In Sec. 2. strike "person" and insert "landowner or operator."
In Sec. 3. strike "Persons" and insert "Landowners or operators".

The Wagner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Beutler Beyer Chambers Haberman Hoagland
Johnson, R. Landis Marsh Morehead Pirsch
Rupp Scofield Vickers Wagner Wesely

Voting in the negative, 22:

Abboud Carsten Chronister DeCamp Fenger
Hannibal Hefner Jacobson Johnson, L. Johnson, V.
Kahle Labedz Lamb Lundy Newell
Peterson, H. Peterson, R. Remmers Schmit Sieck
Von Minden Warner

Present and not voting, 9:

Barrett Eret Goll Goodrich Harris
McDonald Nichol Pappas Withem

Excused and not voting, 3:

Clark Higgins Kilgarin

The Vickers-Hoagland-Beyer amendment lost with 15 ayes, 22 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 1064.

Correctly Engrossed

The following bills were correctly engrossed: 112, 112A, 229, 762, 790, 832, 832A, and 936.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 112

The following changes, required to be reported for publication in the Journal, have been made:
ER0250
1. In the V. Johnson amendment, AM0395, on page 8, line 3, "Progrm" has been struck and "Program" inserted.

Enrollment and Review Change to LB 762

The following changes, required to be reported for publication in the Journal, have been made:
ER0247
1. In the R. Johnson and V. Johnson amendment adopted April 2, 1984, on page 1, line 1, "(1)" has been underscored; in line 7 "or" has been inserted after the semicolon; and in line 17 "Regulations." has been underscored.
2. On page 1, line 8, after the semicolon "to provide for termination

of certain statutes;" has been inserted.

Enrollment and Review Change to LB 832

The following changes, required to be reported for publication in the Journal, have been made:
ER0249
1. On page 1, line 5, "and" has been struck and a comma inserted, and ", decisions, and orders" has been inserted after "findings".

Enrollment and Review Change to LB 1064

The following changes, required to be reported for publication in the Journal, have been made:
ER0248
1. In the Lamb amendment, AM2715:
a. On page 1, line 18, the comma has been struck and "or" inserted; on line 19 the comma has been struck; and
b. On page 3, line 11, "agister's" has been struck and "agisters' " inserted.

(Signed) Mary Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 829. Mr. Haberman requested a machine vote on the advancement of the bill.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud
Eret
Hoagland
Marsh
Scofield
Barrett
Goll
Johnson, L.
McDonald
Sieck
Beutler
Hannibal
Johnson, V.
Newell
Vickers
Carsten
Harris
Labedz
Pirsch
Wesely
Chambers
Higgins
Landis
Schmit
Withem

Voting in the negative, 17:

Chronister
Johnson, R.
Nichol
Wagner
DeCamp
Kahle
Peterson, H.
Warner
Haberman
Lamb
Peterson, R.
Hefner
Lundy
Remmers
Jacobson
Morehead
Rupp

Present and not voting, 5:

Beyer	Fenger	Goodrich	Pappas	Von Minden

Excused and not voting, 2:

Clark	Kilgarin

Advanced to E & R for Engrossment with 25 ayes, 17 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 949. E & R amendments, AM5412, found in the Journal on page 1944 for the Fifty-Fourth Day were adopted.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Hefner, V. Johnson, and Mrs. Labedz renewed their pending amendment, AM2693, printed separate from the Journal and referred to on page 2163.

Mr. Hefner offered the following amendment to the pending Hefner-V. Johnson-Labedz amendment:
AM2717
(Amendments to am2693)
1. On page 39, line 4, strike "or raffle".

The Hefner amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Hoagland renewed his pending amendment, AM2718, found in the Journal on page 2210 to the Hefner-V. Johnson-Labedz amendment.

Messrs. R. Johnson, Kahle, and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM2718, found in the Journal on page 2211. No objections. So ordered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hefner-V. Johnson-Labedz amendment was adopted with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

MESSAGE FROM THE SECRETARY OF THE STATE

April 3, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 758, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 2, 1984. A copy of the Governor's veto message dated March 27, 1984 is attached to L.B. 758 and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 2 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

> "Legislative Bill 758, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Consitutional majority, has become law this 2nd day of April, 1984."

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 758, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 2, 1984. A copy of the Governor's veto message dated March 27, 1984 is attached to L.B. 758 and is likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 2 and a certificate signed by William E. Nichol, President of the

Legislature, the contents of which are as follows:

Legislative Bill 758, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, has become law this 2nd day of April, 1984.

Finally, I hereby certify that all of these documents have been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this third day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF THE STATE

April 3, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 880, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 2, 1984. A copy of the Governor's veto message dated March 27, 1984 is attached to L.B. 880 and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 2 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

> "Legislative Bill 880, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Consitutional majority, has become law this 2nd day of April, 1984."

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 880, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 2, 1984. A copy of the Governor's veto message dated March 27, 1984 is attached to L.B. 880 and is likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 2 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

Legislative Bill 880, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 2nd day of April, 1984.

Finally, I hereby certify that all of these documents have been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this third day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

VISITORS

Visitors to the Chamber were Peter Staisch, Peter Schunemann, Wolfgang Buschner, and Jochen Olbrich from German Television, Stuttgart, West Germany; 7 students and sponsors from District 54, Martinsburg; 36 fourth grade students and teachers from Conestoga School, Nehawka; Howka Kiel, an exchange student from West Germany; 27 seniors and teacher from Nebr. Christian High School, Central City; 39 ninth grade students and teachers from Lincoln Lutheran Jr. High, Lincoln; Senator V. Johnson's father, Wilbur Johnson, and Frank Shoroupa from Columbus; 3 students from Gross

High, and Bill Nicholson from Omaha.

RECESS

At 12:14 p.m., on a motion by Ms. Scofield, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. Clark who was excused; and Messrs. Barrett, Hoagland, Landis, Lundy, McDonald, R. Peterson, Warner, Wesely, Mesdames Labedz, Pirsch, and Ms. Scofield who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

April 3, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 716, 726, 822, 910, 999, 473, 682, 692, 695 and 1076 were received in my office on April 2, 1984.

These bills were signed by me on April 3, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 3, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 152, 642, 672, 694, 760, 776, 824, 863, 881, 933, 980, 992 and 1016 were received in my office on March 30, 1984.

These bills were signed by me on April 3, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

RESOLUTIONS

LEGISLATIVE RESOLUTION 466.

Introduced by Marsh, 29th District.

WHEREAS, the estimated federal budget deficit for fiscal year 1985 is one hundred eighty billion dollars, representing a national debt of one trillion four hundred billion dollars; and

WHEREAS, it is recognized that controlling government spending and eliminating the federal budget deficit are key requirements to improving the economic growth and stability of our nation; and

WHEREAS, the line item veto is regarded as a useful tool in exercising fiscal prudence; and

WHEREAS, forty-three of the fifty states grant their Governors the power to veto individual items in appropriation bills without having to veto the entire bill; and

WHEREAS, the President, in his January 25, 1984, Address on the State of the Union, specifically referred to the desirability of a presidential line item veto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Unicameral Legislature of Nebraska requests that the United States Congress initiate legislative activity to grant the President of the United States the power to veto individual items in appropriation bills without having to veto the entire bill.
2. That a copy of this resolution be sent to Nebraska's United States Senators Zorinsky and Exon.

Laid over.

LEGISLATIVE RESOLUTION 467.

Introduced by Nichol, 48th District; Marsh, 29th District; Barrett, 39th District; Beyer, 3rd District; Carsten, 2nd District; Wagner, 41st District.

WHEREAS, a special committee was appointed by the Legislature to investigate matters related to the state takeover of Commonwealth Savings Company; and

WHEREAS, the resolution creating such committee provided that the special committee be vested with legislative power to issue subpoenas; and

WHEREAS, the resolution granting the authority to issue subpoenas provided that such subpoena power was to end upon the conclusion of the 1984 regular session; and

WHEREAS, the special committee desires additional time for issuing subpoenas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EXECUTIVE BOARD OF THE LEGISLATIVE COUNCIL:

1. That the special committee be vested with legislative power to issue subpoenas. This power shall terminate on December 31, 1984. The committee shall follow Rule 3, section 20, of the 1984 Rules of the Nebraska Unicameral, regarding subpoena procedure.

Laid over.

MOTION - Return LB 1060 to Select File

Mr. Haberman moved to return LB 1060 to Select File for his specific amendment, AM2712, found in the Journal on page 2199.

The motion to return prevailed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1060. The Haberman specific amendment, AM2712, found in the Journal on page 2199 was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 1127 to Select File

Mr. Warner moved to return LB 1127 to Select File for the following specific amendment:

AM2599
(Amendments to Final Reading Copy)

1. Insert new sections as follows:

"Sec. 2. That section 68-1017, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1017. Any person, including vendors and providers of medical assistance and social services, who, by means of a willfully false statement or representation, or by impersonation or other device, obtains or attempts to obtain, or aids or abets any person to obtain or to attempt to obtain (1) an assistance certificate of award to which he or she is not entitled, (2) any commodity, foodstuff, food coupon or stamp, or a payment to which ~~he~~ such individual is not entitled or a larger payment than that to which he or she is entitled, ~~or~~ (3) any payment made on behalf of a recipient of medical assistance or social services, or (4) any other benefit administered by the Department of Social Services, or who violates any statutory provision relating to assistance to the aged, blind or disabled, aid to dependent children, social services, or medical assistance, commits an offense and shall upon conviction be punished as follows: (a) ~~(1)~~ If the aggregate value of all funds or other benefits obtained or attempted to be obtained is ~~shall be~~ less than five hundred dollars, the person so convicted shall be guilty of a Class III misdemeanor; or (b) ~~(2)~~ if the aggregate value of all funds and other benefits obtained or attempted to be obtained is ~~shall exceed~~ five hundred dollars or more, the person so convicted shall be guilty of a Class IV felony.

Sec. 3. (1) A person commits an offense if he or she knowingly uses, alters, or transfers food stamp coupons or authorizations to participate in the food stamp program in any manner not authorized by law. An offense under this subsection shall be a Class III misdemeanor if the value of the coupons or authorizations is less than five hundred dollars and shall be a Class IV felony if the value of coupons or authorizations is five hundred dollars or more.

(2) A person commits an offense if he or she knowingly (a) possesses food stamp coupons or authorizations to participate in the food stamp program when such individual is not authorized by law to possess

them, (b) redeems food stamp coupons when he or she is not authorized by law to redeem them, or (c) redeems food stamp coupons for purposes not authorized by law. An offense under this subsection shall be a Class III misdemeanor if the value of the coupons or authorizations is less than five hundred dollars and shall be a Class IV felony if the value of the coupons or authorizations is five hundred dollars or more.

(3) A person commits an offense if he or she knowingly possesses blank authorizations to participate in the food stamp program when such possession is not authorized by law. An offense under this subsection shall be a Class IV felony.

(4) When food stamp coupons or authorizations to participate in the food stamp program of various values are obtained in violation of this section pursuant to one scheme or a continuing course of conduct, whether from the same or several sources, such conduct may be considered as one offense, and the values aggregated in determining the grade of the offense.".

2. On page 3, line 10, strike "2 and 5" and insert "4 and 7"; in line 13 strike "section 68-1005" and insert "sections 68-1005 and 68-1017"; and in line 14 strike "is" and insert "are".

3. Renumber sections 2 to 6 as sections 4 to 8 respectively.

4. On page 1, line 2 after "68-1005" insert ", 68-1016,"; and in line 5 after the first secmicolon insert "to change criminal provisions relating to obtaining assistance; to create offenses relating to the food stamp program; to provide penalties;".

The motion to return prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1127. The Warner specific amendment, AM2599, found in this day's Journal was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 1089 to Select File

Mr. Landis moved to return LB 1089 to Select File for his first specific amendment found in the Journal on page 1651.

The motion to return prevailed with 28 ayes, 3 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1089. The first Landis specific amendment found in the Journal on page 1651 was considered.

Mr. Landis requested a record vote on his specific amendment.

Voting in the affirmative, 38:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	DeCamp	Goll	Goodrich
Haberman	Hannibal	Harris	Hefner	Higgins
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kilgarin
Labedz	Lamb	Landis	Morehead	Newell
Pappas	Peterson, H.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Vickers	Von Minden
Warner	Wesely	Withem		

Voting in the negative, 2:

Kahle	Nichol

Present and not voting, 6:

Eret	Fenger	Lundy	Marsh	Peterson, R.
Wagner				

Excused and not voting, 3:

Clark	Hoagland	McDonald

The Landis amendment was adopted with 38 ayes, 2 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis asked unanimous consent to withdraw his second pending amendment found in the Journal on page 1651. No objections. So

ordered.

MOTION - Return LB 835 to Select File

Mr. Carsten moved to return LB 835 to Select File for the following specific amendment:
AM2707
(Amendments to the Final Reading copy)

1. Strike sections 16, 17, and 19.
2. On page 2, strike beginning with "to" in line 6 through the semicolon in line 7 and insert "and"; and in line 10 strike "; and to declare an emergency".
3. On page 10, lines 6 and 12, strike "15", show as stricken, and insert "1".
4. On page 18, line 6, strike "and" and after "77-1719.01," insert "and 77-1735,".
5. Renumber section 18 and section 16.

The motion to return prevailed with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 835. The Carsten specific amendment, AM2707, found in this day's Journal was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Amendments to LB 1106

Mr. Hoagland asked unanimous consent to withdraw his pending amendments, AM2466 and AM2408, found in the Journal on pages 1694 and 1617 to LB 1106. No objections. So ordered.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM2406, found in the Journal on page 1549 to LB 1106. No objections. So ordered.

MOTION - Return LB 1106 to Select File

Mr. Rupp moved to return LB 1106 to Select File for the following specific amendment:
AM2705
(Amendments to the Final Reading copy)

1. On page 54, line 20, strike "February 15"

2 and insert "May 1".

Mr. Rupp moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Rupp requested a roll call vote on his motion to return LB 1106.

Voting in the affirmative, 19:

Beyer
Carsten
Eret
Fenger
Johnson, L.
Johnson, R.
Johnson, V.
Kilgarin
Lamb
Marsh
Morehead
Peterson, R.
Pirsch
Rupp
Scofield
Vickers
Von Minden
Warner
Wesely

Voting in the negative, 22:

Barrett
Beutler
Chambers
DeCamp
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Kahle
Landis
Lundy
Newell
Nichol
Pappas
Peterson, H.
Remmers
Schmit
Sieck
Wagner
Withem

Present and not voting, 5:

Chronister
Higgins
Hoagland
Jacobson
Labedz

Excused and not voting, 3:

Abboud
Clark
McDonald

The Rupp motion to return lost with 19 ayes, 22 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

MOTION - Return LB 915 to Select File

Mrs. Higgins moved to return LB 915 to Select File for her specific amendment found in the Journal on page 1797.

The motion to return prevailed with 30 ayes, 3 nays, 14 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 915. The Higgins specific amendment found in the Journal on page 1797 was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 341 to Select File

Mr. Lamb moved to return LB 341 to Select File for his specific amendment, AM2619, found in the Journal on page 1947.

Mr. Lamb moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Lamb requested a roll call vote on his motion.

Voting in the affirmative, 20:

Carsten
Eret
Haberman
Hefner
Higgins
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Lamb
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Von Minden

Voting in the negative, 19:

Beutler
Chambers
DeCamp
Hannibal
Harris
Hoagland
Johnson, V.
Labedz
Landis
Marsh
McDonald
Morehead
Pappas
Scofield
Vickers
Wagner
Warner
Wesely
Withem

Present and not voting, 8:

Abboud
Barrett
Beyer
Chronister
Fenger
Goll
Lundy
Rupp

Absent and not voting, 1:

Goodrich

Excused and not voting, 1:

Clark

The Lamb motion to return lost with 20 ayes, 19 nays, 8 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Vickers and Warner moved to return LB 341 to Select File for the following specific amendment:
AM2728
(Amendments to Final Reading Copy)

1. Insert the following new section:

“Sec. 7. (1) In addition to the sales and use tax imposed pursuant to section 77-2715.01, there shall be imposed an additional one half of one per cent sales and use tax to commence August 1, 1984. All proceeds from this additional tax shall be paid to the General Fund.

(2) The sales and use tax imposed under subsection (1) of this section is in addition to the sales and use tax imposed under the provisions of Chapter 77, article 27, and shall be interpreted, collected, remitted, and enforced by the Tax Commissioner under the provisions of Chapter 77, article 27.

(3) It is the intent of the Legislature that the additional revenue generated by this section be utilized to increase the level of state aid to public schools as stated in sections 1 and 2 of this act.”.

2. Renumber original section 7 as section 8.

3. On page 1, line 11, after the semicolon insert “to provide for an additional sales and use tax rate as prescribed;”.

Mr. DeCamp requested a ruling of the Chair on whether the Vickers-Warner amendment is germane to the bill.

The Chair ruled the Vickers-Warner amendment is germane to the bill.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Mr. Vickers requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

Beutler	Beyer	Chronister	Johnson, R.	Johnson, V.

Kahle Kilgarin Landis Lundy Marsh
McDonald Morehead Newell Peterson, H. Pirsch
Schmit Scofield Vickers Wagner Warner
Wesely Withem

Voting in the negative, 23:

Abboud Barrett Carsten Chambers DeCamp
Eret Fenger Goll Goodrich Haberman
Hannibal Harris Hefner Hoagland Jacobson
Johnson, L. Lamb Nichol Peterson, R. Remmers
Rupp Sieck Von Minden

Present and not voting, 1:

Pappas

Excused and not voting, 3:

Clark Higgins Labedz

The Vickers motion to return lost with 22 ayes, 23 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

MOTION - Return LB 790 to Select File

Mr. Warner moved to return LB 790 to Select File for the following specific amendment:

1. On page 2, strike beginning with "this" in line 9 through "mile" in line 10 and insert "any person who is authorized to control the movement of such railroad car or cars within such distance be prevented from reasonably conducting his or her business".
2. In the Standing Committee amendments, AM2067, on page 1, line 13, strike "railroad carrier" and insert "company, its officers, agents, or employees, or any other person subject to subsection (1) of this section".

The motion to return prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 790. The Warner specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 21 present and not

voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment to LB 928

Messrs. Hoagland, V. Johnson, Newell, Wesely, McDonald, Beutler, Withem, DeCamp, Mesdames Morehead, and Marsh asked unanimous consent to withdraw their pending amendment found in the Journal on page 1839 to LB 928. No objections. So ordered.

MOTION - Return LB 928 to Select File

LEGISLATIVE BILL 928. Mr. Wesely moved to return LB 928 to Select File for the Wesely-Hoagland-DeCamp specific amendment, AM2623, found in the Journal on page 1912.

The Wesely motion to return lost with 10 ayes, 19 nays, 17 present and not voting, and 3 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 14A to Select File

Mr. V. Johnson moved to return LB 14A to Select File for the following specific amendment:
AM2713

1. Strike the original sections and all amendments thereto and insert:

"Section 1. That section 48-1102, Revised Statutes Supplement, 1983, be amended to read as follows:

48-1102. As used in sections 48-1101 to 48-1125, unless the context otherwise requires:

(1) Person includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers;

(2) Employer shall mean a person engaged in an industry who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, any agent of such a person, and any party whose business is financed in whole or in part under the Nebraska Investment

Finance Authority Act~~,~~ and shall include the State of Nebraska, governmental agencies, and political subdivisions, regardless of the number of employees, but such term shall not include (a) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe~~,~~ or (b) a bona fide private membership club, other than a labor organization, which is exempt from taxation under section 501 (c) of the Internal Revenue Code of 1954;

(3) Labor organization shall mean any organization which exists wholly or in part for one or more of the following purposes: Collective bargaining; dealing with employers concerning grievances, terms, or conditions of employment; or of mutual aid or protection in relation to employment;

(4) Employment agency shall mean any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person,; but shall not include an agency of the United States, except that such term shall include the United States Employment Service and the system of state and local employment services receiving federal assistance;

(5) Privileges of employment shall mean terms and conditions of any employer-employee relationship, opportunities for advancement of employees, and plant conveniences;

(6) Employee shall mean an individual employed by an employer;

(7) Commission shall mean the Equal Opportunity Commission;

(8) Disability shall mean any physical or mental condition, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy or seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a dog guide, wheelchair, or other remedial appliance or device and shall also mean the physical or mental condition of a person which constitutes a substantial handicap, as determined by a physician, but is unrelated to such

person's ability to engage in a particular occupation; ~~and~~

(9) Marital status shall mean the status of a person whether married or single; and

(10) Because of sex or on the basis of sex shall include, but not be limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions.

Sec. 2. That section 48-1111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1111. (1) Notwithstanding any other provision of sections 48-1101 to 48-1125, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, if such differences are not the result of an intention to discriminate because of race, color, religion, sex, disability, marital status, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test if such test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, disability, marital status, or national origin.

It shall not be an unlawful employment practice for an employer, employment agency, labor organization, or joint labor-management committee to deny privileges of employment when the nature and extent of a disability reasonably ~~precludes~~ preclude the performance of the particular employment.

It shall not be an unlawful employment practice to refuse employment based on a policy of not employing both husband and wife if such policy is equally applied to both sexes.

(2) Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment- related purposes, including receipt of employee benefits, as other persons not so affected but similar in their ability or inability to work, and nothing in this section shall be interpreted to provide

otherwise.

This section shall not require an employer to provide employee benefits for abortion except when medical complications have arisen from an abortion.

Nothing in this section shall preclude an employer from providing employee benefits for abortion under fringe benefit programs or otherwise affect bargaining agreements in regard to abortion.

Sec. 3. That section 48-1117, Revised Statutes Supplement, 1982, be amended to read as follows:

48-1117. The commission shall have the following powers and duties:

(1) To receive, investigate, and pass upon charges of unlawful employment practices anywhere in the state;

(2) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and, in connection therewith, to require the production for examination of any books and papers relevant to any allegation of unlawful employment practice pending before the commission. The commission may make rules as to the issuance of subpoenas, subject to the approval by a constitutional majority of the elected members of the Legislature;

(3) To cooperate with the federal government and with local agencies to effectuate the purposes of sections 48-1101 to 48-1125, including the sharing of information possessed by the commission on a case that has also been filed with the federal government or local agencies if both the employer and complainant have been notified of the filing;

(4) To attempt to eliminate unfair employment practices by means of conference, conciliation, and persuasion;

(5) To require that every employer, employment agency, and labor organization subject to sections 48-1101 to 48-1125~~,~~ shall (a) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (b) preserve such records for such periods, and (c) make such reports therefrom, as the commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the

enforcement of sections 48-1101 to 48-1125 or the regulations or orders thereunder. The commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to sections 48-1101 to 48-1125 which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of sections 48-1101 to 48-1125, including but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and to furnish to the commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may either apply to the commission for an exemption from the application of such regulation or order, or bring a civil action in the district court for the district where such records are kept. If the commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the commission or the court, as the case may be, may grant appropriate relief; ~~and~~

(6) To report, not less than once each two years, to the Clerk of the Legislature and the Governor, on the hearings it has conducted and the decisions it has rendered, the other work performed by it to carry out the purposes of sections 48-1101 to 48-1125, and to make recommendations for such further legislation concerning abuses and discrimination because of race, color, religion, sex, disability, marital status, or national origin, as may be desirable; and

(7) To adopt and promulgate rules and regulations necessary to carry out the duties prescribed in sections 48-1101 to 48-1125.

Each member of the Legislature shall receive a copy of the report required by subdivision (6) of this section by making a request for it to the chairperson of the commission.

Sec. 4. That original section 48-1111,

Reissue Revised Statutes of Nebraska, 1943, section 48-1117, Revised Statutes Supplement, 1982, and section 48-1102, Revised Statutes Supplement, 1983, are repealed.".

2. Strike the title beginning with "FOR AN ACT" through the enacting clause and insert:

"FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1111, Reissue Revised Statutes of Nebraska, 1943, section 48-1117, Revised Statutes Supplement, 1982, and section 48-1102, Revised Statutes Supplement, 1983; to define a term; to change provisions relating to lawful employment practices; to provide duties; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,".

The motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 14A. The V. Johnson specific amendment, AM2713, found in this day's Journal was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 694A to Select File

Mr. V. Johnson moved to return LB 694A to Select File for the specific Labedz amendment found in the Journal on page 2133.

Mr. Beutler requested a ruling of the Chair on whether the Labedz amendment is germane to the bill.

The Chair ruled the Labedz amendment not germane to the bill.

Mr. V. Johnson moved to suspend the rules, Rule 7, Sections 3(d) and 7; Rule 5, Section 7(f & g); and Rule 5, Section 2.

The V. Johnson motion to suspend the rules lost with 11 ayes, 20 nays, 16 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 742. E & R amendments, AM5427, found in the Journal on page 2094 for the Fifty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 841. E & R amendment, AM5429, found in the Journal on page 2151 for the Fifty-Sixth Day was adopted.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 983. Messrs. Hoagland and Clark asked unanimous consent to withdraw their pending amendment found in the Journal on page 2185. No objections. So ordered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Engrossment with 26 ayes, 15 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

MESSAGE FROM THE SECRETARY OF STATE

April 3, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Re: LB 1129, Eighty-eighth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 2, 1984 at 2:29 o'clock p.m., L.B. 1129. Along with L.B. 1129 I hereby acknowledge receipt of your cover letter dated April 2, 1984 and a certificate signed by William E. Nichol, Presiding Officer of the Legislature, the contents of which are as follows:

Legislative Bill 1129 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the

Legislature by the Constitutional majority has overridden said line-item vetoes as follows:

1.) Chadron State College Activity Center, Program 931 in Section 21 on page 9.
2.) Game and Parks Commission, Program 929 in Section 11 on page 6.
3.) Kearney State College, Program 929 - Cushing Coliseum addition, in Section 24 on page 10.

These provisions have become law the 30th day of March, 1984.

Further, I hereby acknowledge that L.B. 1129, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Attachment

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1129, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority has overridden said line-item vetoes as follows:

1.) Chadron State College Activity Center, Program 931 in Section 21 on page 9.
2.) Game and Parks Commission, Program 929 in Section 11 on page 6.
3.) Kearney State College, Program 929 - Cushing Coliseum addition, in Section 24 on page 10.

These provisions have become law the 30th day of March, 1984.

Further, I hereby certify that L.B. 1129, was filed in the office of Secretary of State on April 2, 1984 at 2:29 p.m., along with the cover letter from the Clerk, the certificate of William E. Nichol, Presiding Officer of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this third day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 3, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Re: LB 880A, Eighty-eighth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 2, 1984 at 2:32 o'clock p.m., L.B. 880A. Along with L.B. 880A I hereby acknowledge receipt of your cover letter dated April 2, 1984 and a certificate signed by William E. Nichol, Presiding Officer of the Legislature, the contents of which are as follows:

> "Legislative Bill 880A having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature, by the Constitutional majority, has overridden all said line-item vetoes. Those provisions have become law this 2nd day of April, 1984."

Further, I hereby acknowledge that L.B. 880A, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Attachment

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 880A, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority has overridden said line-item vetoes as follows:

> Legislative Bill 880A having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature, by the Constitutional majority, has overridden all said line-item vetoes. Those provisions have become law this 2nd day of April, 1984.

Further, I hereby certify that L.B. 880A, was filed in the office of Secretary of State on April 2, 1984 at 2:32 p.m., along with the cover letter from the Clerk, the certificate of William E. Nichol, Presiding Officer of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this third day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE GOVERNOR

April 3, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 744 was received in my office on April 2, 1984.

This bill was signed by me on April 3, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 829, 852, and 892.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 892

The following changes, required to be reported for publication in the Journal, have been made:

ER0251

1. In the Carsten amendment, AM2650, adopted April 3, 1984:

a. On page 1, line 11, the comma has been struck; and

b. On page 2, line 16, an underscored comma has been inserted after "Revenue".

2. On page 1, line 4, "to create a board; to provide for a projection of economic activity; to provide duties;" has been inserted after the semicolon.

(Signed) Mary Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 845. E & R amendments, AM5425, found in the Journal on page 2064 for the Fifty-Fifth Day were adopted.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM2683, found in the Journal on page 2148. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 845A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 913. E & R amendment, AM5419, found in the Journal on page 1991 for the Fifty-Fourth Day was adopted.

Mr. Fenger renewed his pending amendment, AM2629, found in the Journal on page 1919.

The Fenger amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Wesely offered the following amendment:
To amend LB 913 p 4 line 5 strike "two"

The Wesely amendment lost with 10 ayes, 21 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 930. E & R amendments, AM5422, found in the Journal on page 2007 for the Fifty-Fifth Day were adopted.

Mr. DeCamp renewed his pending amendment, AM1977, found in the Journal on page 1374.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud Carsten DeCamp Eret Haberman
Hefner Jacobson Johnson, R. Kahle Lamb
Lundy Peterson, H. Peterson, R. Pirsch Schmit
Sieck Von Minden Wagner Warner

Voting in the negative, 23:

Barrett Beutler Beyer Chambers Fenger

Goll	Goodrich	Hannibal	Harris	Hoagland
Johnson, V.	Labedz	Landis	McDonald	Morehead
Newell	Nichol	Pappas	Rupp	Scofield
Vickers	Wesely	Withem		

Present and not voting, 4:

Chronister	Johnson, L.	Marsh	Remmers

Absent and not voting, 1:

Kilgarin

Excused and not voting, 2:

Clark	Higgins

The DeCamp amendment lost with 19 ayes, 23 nays, 4 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Lamb asked unanimous consent to withdraw his pending amendment, AM2267, found in the Journal on page 1838. No objections. So ordered.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 930A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 553. E & R amendments, AM5426, found in the Journal on page 2093 for the Fifty-Sixth Day were adopted.

Messrs. Wesely and Chambers offered the following amendment:
AM2721

1. On page 4, strike beginning with "or" in line 4 through "subdivision" in line 5; in line 6 after "mean" insert "state-invested"; and in line 7 after "state" insert "other than:

(a) Commercial paper with a maturity date of one hundred eighty days or less; and

(b) Premiums or deposits paid to insurance or annuity companies".

The Wesely-Chambers amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Hefner requested a machine vote on the advancement of the bill.

Mr. Chambers moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for Engrossment with 26 ayes, 7 nays, 14 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 1027. Mr. Haberman asked unanimous consent to withdraw his pending motion to indefinitely postpone found in the Journal on page 2161. No objections. So ordered.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 10 nays, and 12 not voting.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Beutler	Carsten	DeCamp	Eret	Hannibal
Harris	Hoagland	Johnson, V.	Kilgarin	Lamb
Landis	Marsh	McDonald	Newell	Nichol
Rupp	Schmit	Scofield	Vickers	Wagner
Warner	Wesely			

Voting in the negative, 25:

Abboud	Barrett	Beyer	Chambers	Chronister
Fenger	Goll	Goodrich	Haberman	Hefner
Jacobson	Johnson, L.	Johnson, R.	Kahle	Labedz
Lundy	Morehead	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Sieck	Von Minden	Withem

Excused and not voting, 2:

Clark	Higgins

Failed to advance to E & R for Engrossment with 22 ayes, 25 nays, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 418. E & R amendments, AM5374, found in the Journal on page 1568 for the Forty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 418A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Withdraw Amendments to LB 920

Mesdames Morehead and Pirsch asked unanimous consent to withdraw their pending amendment, AM2339, found in the Journal on page 1428 to LB 920. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 920. E & R amendments, AM5370, found in the Journal on page 1536 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 764. E & R amendment, AM5350, found in the Journal on page 1441 for the Forty-Second Day was adopted.

Mr. Chambers asked unanimous consent to withdraw his pending amendment, AM2536, found in the Journal on page 1776. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 848. E & R amendments, AM5340, found in the Journal on page 1380 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 848A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Withdraw Amendments to LB 826

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM2695, found in the Journal on page 2148 to LB 826. No objections. So ordered.

Mr. Warner asked unanimous consent to withdraw his pending amendment, AM2116, found in the Journal on page 1278 to LB 826. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 826. E & R amendment, AM5356, found in the Journal on page 1525 for the Forty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1125. E & R amendments, AM5413, found in the Journal on page 1943 for the Fifty-Fourth Day were adopted.

Mr. Goll asked unanimous consent to withdraw his pending amendment, AM2642, found in the Journal on page 1929. No objections. So ordered.

Mr. Goll offered the following amendment:
AM2697

1. In the Standing Committee amendments on page 1, strike beginning with "in" in line 9 through the semicolon in line 11.

2. In the Enrollment and Review amendments on page 1, strike beginning with "line" in line 3 through "in" in line 4.

3. On page 2, line 9, after the period insert "Nothing in sections 1 to 3 of this act shall be construed to authorize the creation or development of a state- financed or directed news media, telecommunications system, telecommunications access or transport service, or any part of such system or service.".

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Goll amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Mr. Goll offered the following amendment:
AM2641
(Amendments to Standing Committee Amendments)

1 1. On page 2, line 1, strike "not less than
2 three" and insert "four"; and in line 2 after the period
3 insert "Of the four members, one member shall represent
4 telephone companies which are locally owned and
5 controlled with less than fifty thousand access lines,
6 one member shall represent all other telephone
7 companies, one member shall represent the television
8 industry, and one member shall represent the radio
9 industry.".

Mrs. Morehead offered the following amendment to the pending Goll amendment:
Amendment to Goll Amendment Req #AM2641
In line 2 strike "four" and insert "five";
In line 3 strike "four" and insert "five";
In line 6 strike "one" and insert "two" and strike "member" and insert "members"
In the original Standing Committee amendments
Page 1, line 23 strike "five" and insert "eight"
Page 2, line 4 strike "two" and insert "four"
Page 2, line 5 strike "three" and insert "four"
Page 2, line 12 strike "three" and insert "four"

The Morehead amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The Goll amendment, as amended, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Goll moved to indefinitely postpone LB 1125.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Messrs. DeCamp and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Goll moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Goll requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 18:

Barrett
Carsten
Chronister
Eret
Goll
Haberman
Hefner
Jacobson
Johnson, L.
Johnson, R.
Kahle
Lamb
Lundy
Pappas
Peterson, H.
Peterson, R.
Remmers
Von Minden

Voting in the negative, 21:

Beutler
Chambers
Goodrich
Harris
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
McDonald
Morehead
Newell
Pirsch
Rupp
Scofield
Sieck
Wagner
Wesely
Withem

Present and not voting, 6:

Abboud
Beyer
Fenger
Hannibal
Nichol
Vickers

Excused and not voting, 4:

Clark
DeCamp
Schmit
Warner

The Goll motion to indefinitely postpone lost with 18 ayes, 21 nays, 6 present and not voting, and 4 excused and not voting.

Mr. H. Peterson requested a machine vote on the advancement of the bill.

Mrs. Labedz requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler
Chambers
DeCamp
Goodrich
Harris
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Pirsch
Rupp
Scofield
Sieck
Vickers
Wagner
Wesely
Withem

Voting in the negative, 17:

Barrett
Carsten
Chronister
Eret
Goll
Haberman
Hefner
Jacobson
Johnson, L.
Johnson, R.
Kahle
Lamb
Lundy
Peterson, H.
Peterson, R.
Remmers
Von Minden

Present and not voting, 4:

Abboud Beyer Fenger Hannibal

Excused and not voting, 3:

Clark Schmit Warner

Advanced to E & R for Engrossment with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1125A. Mr. Landis offered the following amendment:
AM2679
1. On page 2, lines 2 and 3, strike "$470,000" and insert "$250,000"; and in lines 10 and 11 strike "$192,000" and insert "$136,000".

Mr. DeCamp offered the following amendment to the Landis amendment:
Strike "250,000" and insert "100,000".

The DeCamp amendment lost with 14 ayes, 19 nays, 13 present and not voting, and 3 excused and not voting.

The Landis pending amendment was adopted with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

Mr. R. Johnson requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 835, 915, 1060, 1089, and 1127.

Correctly Engrossed

The following bill was correctly engrossed: 949.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 915

The following changes, required to be reported for publication in the Journal, have been made:
ER0253

1. In lieu of the Higgins amendment 1 adopted April 3, 1984, the following new section has been inserted:

"Sec. 2. Any person, firm, or corporation which on the effective date of this act is providing a service which (a) receives money from a client, (b) transports or forwards the money to a licensed racetrack, and (c) places the money into the racetrack's parimutuel pool in a manner directed by the client may continue such service at its present locations only until December 31, 1984.".

2. The section added by the Higgins amendment 2 has been numbered as section 4.

3. On page 1, line 3, "and" has been struck and "to limit the time for providing certain services;" inserted; and in line 4 "; and to declare an emergency" has been inserted after "section".

4. On page 2, line 3, "Whoever" has been struck, shown as stricken, and "Except as provided in section 2 of this act, whoever" inserted.

Enrollment and Review Change to LB 949

The following changes, required to be reported for publication in the Journal, have been made:
ER0252

1. In the Hefner, V. Johnson, and Labedz amendment, AM2693, adopted April 3, 1984:

a. On page 10, line 22; page 12, line 14; page 14, line 20; and page 41, lines 1, 4, and 7; an underscored comma has been inserted after "act"; and

b. On page 58, line 17, "9-166," has been struck.

Enrollment and Review Change to LB 1089

The following changes, required to be reported for publication in the Journal, have been made:
ER0255

1. In lieu of the Landis amendment adopted April 3, 1984:

a. On page 1, line 2, "60-409.02," has been struck;

b. On page 2, the matter beginning with "for" in line 15 through the second comma in line 16 has been struck; in line 16 "two" has been struck and shown as stricken; and in line 17 "dollars" has been struck, shown as stricken, and "one dollar" inserted;

c. On page 3, line 19, ", prior to January 1, 1990," has been struck; in line 20 "five" has been struck, shown as stricken, and "four" inserted, and the new matter has been struck; and lines 21 and 22 have been struck;

d. Section 3 has been struck and the remaining sections renumbered accordingly;

e. On page 4, line 21; page 5, line 20; page 6, lines 3 and 19; and page 7, line 20, "8" has been struck and "7" inserted; and

f. On page 8, line 8, "60-409.02," has been struck.

Enrollment and Review Change to LB 1127
(FINAL READING COPY)

The following changes, required to be reported for publication in the Journal, have been made:

ER0254

1. In the Warner amendment, AM2599, on page 3, line 23, "68-1016" has been struck and "68-1017" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were 13 students and teachers from Christ Lutheran School, Juniata; and Mrs. Wayne Peterson and daughter from Weeping Water.

RECESS

At 6:24 p.m., on a motion by Speaker Nichol, the Legislature recessed until 7:30 p.m.

AFTER RECESS

The Legislature reconvened at 7:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark and Schmit who were excused; and Messrs. R. Johnson, Von Minden, Mesdames Higgins, Labedz, and Marsh who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1124. E & R amendments, AM5423, found in the Journal on page 2029 for the Fifty-Fifth Day were adopted.

Messrs. Hefner and DeCamp asked unanimous consent to withdraw their pending amendment found in the Journal on page 1835. No objections. So ordered.

Mr. Newell asked unanimous consent to withdraw his pending amendment found in the Journal on page 1896. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 457. E & R amendments, AM5418, found in the Journal on page 1984 for the Fifty-Fourth Day were adopted.

Mr. Wesely renewed his pending amendment, AM2617, found in the Journal on page 2046.

The Wesely amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Messrs. Landis and Beutler offered the following amendment:
AM2720
(Amendments to AM2331)

1. Strike sections 2 and 4.
2. On page 4, in lines 9 through 17, strike the new matter and reinstate the stricken matter.
3. On page 8, line 18, strike beginning with "five" through "half", show the old matter as stricken, and insert "four and eight- tenths".
4. On page 9, line 6, strike beginning with "five" through "half", show the old matter as stricken, and insert "four and eight- tenths".
5. On page 11, line 6, after "to" insert "seven- tenths of".
6. On page 12, line 1, strike "79-1520, 79-1529,".
7. Renumber remaining sections accordingly.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Landis moved for a Call of the House. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud Beutler Carsten Chronister Eret
Fenger Hannibal Hefner Higgins Hoagland
Jacobson Johnson, V. Kahle Lamb Landis
Lundy Newell Nichol Peterson, R. Pirsch
Rupp Vickers Von Minden Warner Wesely

Voting in the negative, 17:

Barrett Beyer DeCamp Goll Goodrich
Haberman Johnson, L. Kilgarin McDonald Morehead
Pappas Peterson, H. Remmers Scofield Sieck
Wagner Withem

Present and not voting, 3:

Chambers Harris Marsh

Excused and not voting, 4:

Clark Johnson, R. Labedz Schmit

The Landis-Beutler amendment was adopted with 25 ayes, 17 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Remmers and Mrs. Morehead renewed their pending amendment found in the Journal on page 2200.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Morehead moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mrs. Morehead requested a roll call vote on the amendment.

Voting in the affirmative, 23:

Barrett Beyer Carsten DeCamp Eret
Goll Goodrich Haberman Harris Johnson, L.
Kilgarin Labedz Marsh McDonald Morehead
Pappas Peterson, H. Remmers Schmit Scofield
Sieck Vickers Withem

Voting in the negative, 17:

Beutler Hannibal Hefner Hoagland Jacobson
Johnson, V. Lamb Landis Lundy Newell
Nichol Pirsch Rupp Von Minden Wagner
Warner Wesely

Present and not voting, 7:

Abboud Chambers Chronister Fenger Higgins
Kahle Peterson, R.

Excused and not voting, 2:

Clark Johnson, R.

The Remmers-Morehead amendment lost with 23 ayes, 17 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Newell offered the following amendment:

1. On page 3, strike beginning with the comma in line 10 through "years" in line 14.

2. On page 4, in lines 9 through 17 strike the new matter and reinstate the stricken matter; and in line 17 after the period insert "If a member has completed thirty-five years of creditable service, and has attained the age of 60, no reduction in the annuity shall apply.".

3. On page 8, in lines 1, 8, 9, and 10 strike the new matter and reinstate the stricken matter; and in line 18 strike "and one half" and show as stricken.

4. On page 9, line 6, strike "and one half" and show as stricken.

5. On page 11, line 6, after "to" insert "three-fourths of".

6. Strike the Beutler-Landis amendments (AM2720)

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud
Beyer
Carsten
DeCamp
Eret
Goodrich
Haberman
Harris
Kilgarin
Labedz
Marsh
McDonald
Morehead
Newell
Pappas
Pirsch
Remmers
Schmit
Scofield
Sieck
Vickers
Withem

Voting in the negative, 16:

Beutler
Chambers
Hefner
Higgins
Hoagland
Johnson, R.
Johnson, V.
Lamb
Landis
Lundy
Nichol
Rupp
Von Minden
Wagner
Warner
Wesely

Present and not voting, 10:

Barrett
Chronister
Fenger
Goll
Hannibal
Jacobson
Johnson, L.
Kahle
Peterson, H.
Peterson, R.

Excused and not voting, 1:

Clark

The Newell amendment lost with 22 ayes, 16 nays, 10 present and not voting, and 1 excused and not voting.

Mr. Newell moved to suspend the rules, Rule 6, Sec. 5 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 457.

The Newell motion prevailed with 33 ayes, 1 nay, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 457A. Mr. Wesely offered the following amendment:

1. On page 2, line 2, strike "5,473,700" and insert "3,241,483"; and in line 3 strike "5,812,849" and insert "3,468,386".

2. Strike sections 2 and 3 and insert the following new sections:

"Sec. 2. There is hereby appropriated for the period of July 1, 1984, to June 30, 1985, to the State Department of Education, for each program, the amounts shown from the respective funds, to aid in carrying out the provisions of Legislative Bill 457, Eighty-eighth Legislature, Second Session, 1984.

(1) Program No. 25 - Departmental Administration

GENERAL FUND	1801
FEDERAL FUND est.	118
PROGRAM TOTAL	1919

(2) Program No. 55 - Private and Vocational Schools and Veterans' Education

FEDERAL FUND est.	306

(3) Program No. 143 - State Aid and School Food Services and Reserve Teacher Act

FEDERAL FUND est.	248

(4) Program No. 292 - Special Education

GENERAL FUND	1147
FEDERAL FUND est.	730
PROGRAM TOTAL	1877

(5) Program No. 294 - Vocational Education

GENERAL FUND	1127
FEDERAL FUND est.	1444
PROGRAM TOTAL	2571

(6) Program No. 351 - Vocational Rehabilitation

GENERAL FUND	1034
FEDERAL FUND est.	4137
PROGRAM TOTAL	5171

(7) Program No. 352 - Old Age and Survivors' Insurance Disability Determinations

FEDERAL FUND est.	1565

(8) Program No. 401 - Nebraska School for the Deaf

GENERAL FUND	12,258
CASH FUND	2,276
FEDERAL FUND est.	1,278
PROGRAM TOTAL	15,812

(9) Program No. 402 - Nebraska School for the Visually Handicapped

GENERAL FUND	6,125
CASH FUND	1,098
FEDERAL FUND est.	221
PROGRAM TOTAL	7,444

(10) Program No. 508 - School Assistance and Support

GENERAL FUND	3,065
CASH FUND	208
FEDERAL FUND est.	1,244
PROGRAM TOTAL	4,517

(11) Program No. 614 - Professional Practices Commission

CASH FUND	355

(12) Program No. 642 - Instructional Television

GENERAL FUND	696

For Informational Purposes Only: Total Appropriations to Agency No. 13 and Fund Source

GENERAL FUND	27,253
CASH FUND	3,937
FEDERAL FUND est.	11,291
AGENCY TOTAL	42,481

Sec. 3. There is hereby appropriated for the period of July 1, 1985 to June 30, 1986, to the State Department of Education, for each program, the amounts shown from the respective funds, to aid in carrying out the provisions of Legislative Bill 457, Eighty-eighth Legislature, Second Session, 1984.

(1) Program No. 25 - Departmental Administration

GENERAL FUND	2,401
FEDERAL FUND est.	157
PROGRAM TOTAL	2,558

(2) Program No. 55 - Private and Vocational Schools and Veterans' Education

FEDERAL FUND est.	408

(3) Program No. 143 - State Aid and School Food Services and Reserve Teacher Act

FEDERAL FUND est.	331

(4) Program No. 292 - Special Education

GENERAL FUND	1529
FEDERAL FUND est.	973
PROGRAM TOTAL	2502

(5) Program No. 294 - Vocational Education

GENERAL FUND	1502
FEDERAL FUND est.	1925
PROGRAM TOTAL	3427

(6) Program No. 351 - Vocational Rehabilitation

GENERAL FUND	1379
FEDERAL FUND est.	5516
PROGRAM TOTAL	6895

(7) Program No. 352 - Old Age and Survivors' Insurance Disability Determinations

FEDERAL FUND est.	2087

(8) Program No. 401 - Nebraska School for the Deaf

GENERAL FUND	16,344
CASH FUND	3,035
FEDERAL FUND est.	1,704
PROGRAM TOTAL	21,083

(9) Program No. 402 - Nebraska School for the Visually Handicapped

GENERAL FUND	8,167
CASH FUND	1,464
FEDERAL FUND est.	295
PROGRAM TOTAL	9,926

(10) Program No. 508 - School Assistance and Support

GENERAL FUND	4,087
CASH FUND	277
FEDERAL FUND est.	1,659
PROGRAM TOTAL	6,023

(11) Program No. 614 - Professional Practices Commission

CASH FUND	473

(12) Program No. 642 - Instructional Television

GENERAL FUND	928

For Informational Purposes Only: Total Appropriations to Agency No. 13 and Fund Source

GENERAL FUND	36,337
CASH FUND	5,249
FEDERAL FUND est.	15,055
AGENCY TOTAL	56,641

The Wesely amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

Mesdames Higgins and Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 14A, and 790.

Correctly Engrossed

The following bills were correctly engrossed: 418, 418A, 553, 742, 764, 826, 841, 845, 845A, 848, 848A, 913, 920, 930, 930A, 983, 1124, 1125, and 1125A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 790

The following changes, required to be reported for publication in the Journal, have been made:
ER0256
1. In the E & R amendments on page 1, line 4, "which" has been struck and "who" inserted.
2. In the Standing Committee amendments, AM2067, on page 1, line 16, "except that it" has been struck and "but" inserted.

Enrollment and Review Change to LB 826

The following changes, required to be reported for publication in the Journal, have been made:
ER0259
1. On page 1, line 4, "his or her" has been struck and "certain" inserted.

Enrollment and Review Change to LB 845

The following changes, required to be reported for publication in the Journal, have been made:
ER0258
1. On page 14, line 20, after the comma "shall" has been inserted.

Enrollment and Review Change to LB 913

The following changes, required to be reported for publication in the Journal, have been made:
ER0257
1. In the Fenger amendments, AM2629, adopted on April 3, 1984:
a. Amendment 1 has been struck; and
b. On page 1, line 5, "federal" has been struck; and in line 9 ", but not limited to," has been struck.
2. On page 3, line 4, "federal" has been struck.
3. On page 4, line 14, ", including, but not limited to" has been inserted after "factors".

Enrollment and Review Change to LB 930

The following changes, required to be reported for publication in the

Journal, have been made:
ER0260
1. On page 4, line 8, "the" has been struck and "this" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 1084. E & R amendments, AM5411, found in the Journal on page 1942 for the Fifty-Fourth Day were adopted.

Mr. Newell renewed his pending amendment, AM2056, printed separate from the Journal and referred to on page 1103.

The Newell amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment:
Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The Newell amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 764 to Select File

Mr. Chambers moved to return LB 764 to Select File for his specific amendment, AM2536, found in the Journal on page 1776.

The motion to return prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 764. The Chambers specific amendment, AM2536, found in the Journal on page 1776 was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Remmers asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 826 to Select File

Mr. Warner moved to return LB 826 to Select File for the specific amendment, AM2116, found in the Journal on page 1278.

Mr. Vickers requested a ruling of the Chair on whether the Warner amendment is germane to the bill.

The Chair ruled the Warner amendment germane to the bill.

The Warner motion to return prevailed with 25 ayes, 6 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Von Minden asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 826. The Warner specific amendment, AM2116, found in the Journal on page 1278 was adopted with 29 ayes, 4 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Lamb moved to recess until 11:00 p.m. The motion lost with 9 ayes, 21 nays, and 19 not voting.

MOTION - Return LB 848 to Select File

Mr. Beutler moved to return LB 848 to Select File for the following specific amendment:
AM2394

1. On page 2, line 18, strike “twenty” and insert “ten”; in line 23 strike “ten” and insert “one advance copy shall be furnished to the Clerk of the Legislature, two”; in line 24 after the comma insert “five advance copies shall be furnished to the Attorney General,”; and in line 25 strike “thirty” and insert “twenty”.

The motion to return prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 848. The Beutler specific amendment, AM2394, found in this day's Journal was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 956. E & R amendment, AM5318, found in the Journal on page 1231 for the Thirty-Seventh Day was adopted.

Mr. Wesely asked unanimous consent to withdraw his pending amendment found in the Journal on page 1130. No objections. So ordered.

Messrs. DeCamp and Pappas asked unanimous consent to withdraw AM2159 found in the Journal on page 1197. No objections. So ordered.

Mr. Newell asked unanimous consent to withdraw his pending amendment, AM2340, found in the Journal on page 1428. No objections. So ordered.

Mr. Pappas asked unanimous consent to withdraw his pending amendment found in the Journal on page 1958. No objections. So ordered.

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

Mr. Eret offered the following amendment:

1. Striking Sec. 4 (Emergency Clause)
2. Amend the operative date, "for all taxable years beginning on or after Jan. 1, 1985."
3. Add a new section, "All property tax statements for homesteads granted an exemption in Section 77-3507 to 77-3509 or in Section 1 of this act shall show the amount of the exemption, the tax that would otherwise be due, and a statement that the tax loss shall be reimbursed by the state as a homestead exemption."
4. Renumber remaining sections appropriately.

The Eret amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 956A. Mr. Eret moved to indefinitely postpone.

The motion to indefinitely postpone prevailed with 28 ayes, 0 nays, 15

present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 660. E & R amendments, AM5319, found in the Journal on page 1230 for the Thirty-Seventh Day were adopted.

Mrs. Marsh renewed her pending amendment, AM2133, found in the Journal on page 1183.

The Marsh amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Pappas asked unanimous consent to withdraw his pending amendment found in the Journal on page 1386. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 906. E & R amendment, AM5369, found in the Journal on page 1573 for the Forty-Fifth Day was adopted.

Mr. H. Peterson asked unanimous consent to withdraw his pending amendment, AM2682, found in the Journal on page 2062. No objections. So ordered.

Messrs. Wesely and H. Peterson offered the following amendment:

1. On page 2, line 20, strike "or" and show as stricken; and in line 26 after "instrument" insert "; or

(c) The facility to be acquired, leased, or purchased has not received federal or state reimbursement for one year or more prior to the date of such acquisition, lease, or purchase".

2. On page 1, line 7 after "purchase" insert ", and the transfer will not result in any increased reimbursement for capital costs by any governmental reimbursement or health care insurance program."

Mr. Goodrich moved to recess. The motion lost with 8 ayes, 20 nays, and 21 not voting.

The Wesely-H. Peterson amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Wesely offered the following amendment:
AM2723

1. On page 2, line 11, after the period insert "For the purposes of this section, controlling

interest shall mean a majority of the voting rights of the shares of stock entitled to vote."; in line 20, strike "or" and show as stricken; in line 26 after "instrument" insert "; or

(c) The acquisition of the facility is a transfer to the spouse or lineal descendants of the owner or controlling shareholder or to a corporation, general partnership, or limited partnership directly or indirectly controlled by the owner, his or her spouse, or lineal descendants, or any combination of such individuals, and the transfer will not result in any increased reimbursement for capital costs by any governmental reimbursement or health care insurance program".

The Wesely amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 906A. Advanced to E & R for Engrossment.

Mr. Barrett moved to recess until 11:50 p.m.

Mr. Barrett requested a roll call vote on his motion to recess.

Voting in the affirmative, 21:

Abboud Barrett Beutler Beyer DeCamp
Fenger Goll Goodrich Haberman Hefner
Jacobson Johnson, L. Johnson, R. Kahle Lamb
Peterson, H. Peterson, R. Rupp Sieck Von Minden
Warner

Voting in the negative, 21:

Eret Hannibal Harris Hoagland Johnson, V.
Kilgarin Landis Lundy Marsh McDonald
Morehead Newell Nichol Pappas Pirsch
Schmit Scofield Vickers Wagner Wesely
Withem

Present and not voting, 2:

Carsten Chambers

Excused and not voting, 5:

Chronister Clark Higgins Labedz Remmers

The motion to recess lost with 21 ayes, 21 nays, 2 present and not voting, and 5 excused and not voting.

Messrs. DeCamp and Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 150. Mr. Newell asked unanimous consent to withdraw his pending amendment found in the Journal on page 2184. No objections. So ordered.

Mr. Newell offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2702.)

Pending.

Mr. H. Peterson asked unanimous consent to be excused. No objections. So ordered.

RECESS

Mr. Lamb moved to recess until 11:50 p.m.

Mr. Newell moved for a Call of the House. The motion prevailed with 19 ayes, 7 nays, and 23 not voting.

Mr. Newell requested a roll call vote on the motion to recess.

Voting in the affirmative, 21:

Abboud Barrett Beyer Carsten Fenger
Goll Goodrich Hefner Jacobson Johnson, L.
Kahle Lamb Lundy Marsh Pappas
Peterson, R. Pirsch Rupp Von Minden Wagner
Warner

Voting in the negative, 19:

Chambers Eret Hannibal Harris Hoagland
Johnson, R. Johnson, V. Kilgarin Landis McDonald
Morehead Newell Nichol Schmit Scofield
Sieck Vickers Wesely Withem

Present and not voting, 1:

Beutler

Excused and not voting, 8:

Chronister	Clark	DeCamp	Haberman	Higgins
Labedz	Peterson, H.	Remmers		

The motion to recess prevailed with 21 ayes, 19 nays, 1 present and not voting, and 8 excused and not voting and at 11:00 p.m. on a motion by Mr. Lamb, the Legislature recessed until 11:50 p.m.

AFTER RECESS

The Legislature reconvened at 11:50 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Beyer, Chambers, Chronister, Clark, DeCamp, Fenger, Goll, Haberman, Hannibal, Hefner, Hoagland, V. Johnson, McDonald, Pappas, H. Peterson, Remmers, Schmit, Sieck, Mesdames Higgins, Labedz, Pirsch, Miss Kilgarin, and Ms. Scofield who were excused.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 764, 826, and 848.

Correctly Engrossed

The following bills were correctly engrossed: 457, 457A, 660, 906, 906A, 956, and 1084.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 764

The following changes, required to be reported for publication in the Journal, have been made:
ER0262
1. In the title in line 3 before the period "; and to provide an insurance program as prescribed" has been inserted.

Enrollment and Review Change to LB 826

The following changes, required to be reported for publication in the Journal, have been made:
ER0264

1. The section added by the Warner amendment, AM2116, adopted April 3, 1984, has been numbered as section 2.

2. On page 1, line 1, "Attorney General" has been struck and "constitutional officers; to amend section 75-104, Reissue Revised Statutes of Nebraska, 1943" inserted; and in line 3 "; to change the salary of public service commissioners; and to repeal the original section" has been inserted after "attorneys".

3. The following new section has been inserted:

"Sec. 3. That original section 75-104, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Enrollment and Review Change to LB 1084

The following changes, required to be reported for publication in the Journal, have been made:
ER0263

1. In the Newell amendment, AM2056, adopted April 3, 1984:

a. On page 7, line 1, "is" has been inserted after "area"; and

b. On page 12, line 26, "58-208" has been struck and "58-207" inserted.

2. The Enrollment and Review amendments have been struck.

3. The new section added by the Newell amendment adopted April 3, 1984, has been numbered as section 7.

4. On page 1, lines 2 through 6 have been struck and "section 18-2103, Revised Statutes Supplement, 1982, and sections 18-1614, 58-207, and 58-219, Revised Statutes Supplement, 1983; to redefine terms; to define a term; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LBs 457, 457A, 660, 848, 906, 906A, and 956

The following changes, required to be reported for publication in the Journal, have been made:
ER0265

1. Enrollment and Review changes were made to these bills as necessary.

(Signed) Mary Sommermeyer
E & R Attorney

ADJOURNMENT

At 11:56 p.m., on a motion by Mr. Kahle, the Legislature adjourned until 8:00 a.m., Thursday, April 5, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 5, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 5, 1984

Pursuant to adjournment, the Legislature met at 8:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Mary Hausen, Church of the Master, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Clark, DeCamp, Goodrich, Haberman, Hoagland, V. Johnson, McDonald, Newell, Rupp, Wesely, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2267, line 13, strike "Pirsch" and insert "Higgins".
The Journal for the Fifty-Eighth Day was approved, as corrected.

REPORTS

Received annual report of the Nebraska Public Counsel from the Ombudsmans Office.

Received audit reports from the following:

Public Employees' Retirement Board; State Athletic Commissioner; Department of Administrative Services; Workmen's Compensation Court; Governor; Department of Aeronautics; Nebraska State Historical Society.

MESSAGE FROM THE SECRETARY OF STATE

April 3, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol

Re: LB 1128, Eighty-eighth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 2, 1984 at 2:31 o'clock p.m. L.B. 1128. Along with L.B. 1128, I hereby acknowledge receipt of your cover letter dated April 2, 1984 and a certificate signed by William E. Nichol, Presiding Officer of the Legislature, the contents of which are as follows:

Legislative Bill 1128 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

1.) Department of Public Institutions, Program 424, Community Mental Retardation, in Section 23, on pages 41, 42, 43, and 44.

2.) Game and Parks Commission, Program 549 - Parks-Administration and Operation, in Section 31, subdivision (4), on pages 59, 60, and 61.

3.) Legislative Council, Program 122 - Legislative Services in Subsection (1), Program 123 - Clerk of the Legislature in Subsection (2), Program 126 - Legislative Research Services in Subsection (3), Program 127 - Revisor of Statutes in Subsection (4), Program 501 - Intergovernmental Cooperation in Subsection (5), Program 504 - Office of Public Counsel (Ombudsman) in Subsection (6), and Program 638 - Fiscal and Program Analysis in Subsection (7), on pages 2, 3, and 4.

4.) Department of Education, Program 025 - Special Salaries and Driver's Education in Section 11, Subsection (2), Program 055 - Subsection (3), Program 143 - Subsection (4), Program 188 - Subsection (5), Program 292 - Subsection (6), Program 293 - Subsection (7), Program 294 - Subsection (8), Program 295 - Subsection (9), Program 351 - Subsection (10), Program 352 - Subsection (11), Program 401 - Subsection (12), Program 402 - Subsection (13), Program 508 - Subsection (14), Program 614 - Subsection (15), Program 642 - Subsection (16) on pages 12 through 19.

5.) District Courts, Program 377 - Special Salary Adjustments in Section 4, Subsection (2) on pages 5 and 6.

6.) Military Department, Program 548 - Tuition Credit Reimbursement in Section 29, Subsection (4) on page 57.

7.) Board of Trustees of the Nebraska State Colleges in Section 47 and Chadron, Kearney, Peru & Wayne State Colleges in Section

48 on pages 73 through 78.
8.) University of Nebraska - All Campuses and Central Administration, in Section 49 on pages 79 through 83.
9.) Library Commission, Program 302 - Library aid to regional libraries and aid for resource services in Section 32, subsection (4) on page 62.
10.) Nebraska State Historical Society, Program 541 in Section 52, Subsection (4) on page 86 and 87.
11.) Game and Parks Commission - Oliver Reservior in Section 31, Subdivision (6) on page 60.
12.) Nebraska Commission on Law Enforcement and Criminal Justice, Program 201 - Crime Victim-Witness Assistance, in Section 74 on pages 105 and 106.

Provisions identified in paragraphs numbered 1, 2, 3 and 4 have become law the 29th day of March, 1984; the remaining provisions have become law on the 30th day of March, 1984.

Further, I hereby acknowledge that L.B. 1128, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Attachment

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 1128 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

1.) Department of Public Institutions, Program 424, Community Mental Retardation, in Section 23, on pages 41, 42, 43, and 44.
2.) Game and Parks Commission, Program 549 - Parks-Administration and Operation, in Section 31, subdivision (4), on pages 59, 60, and 61.
3.) Legislative Council, Program 122 - Legislative Services in Subsection (1), Program 123 - Clerk of the Legislature in Subsection (2), Program 126 - Legislative Research Services in Subsection (3), Program 127 - Revisor of Statutes in Subsection (4), Program 501 - Intergovernmental Cooperation in Subsection

(5), Program 504 - Office of Public Counsel (Ombudsman) in Subsection (6), and Program 638 - Fiscal and Program Analysis in Subsection (7), on pages 2, 3, and 4.
4.) Department of Education, Program 025 - Special Salaries and Driver's Education in Section 11, Subsection (2), Program 055 - Subsection (3), Program 143 - Subsection (4), Program 188 - Subsection (5), Program 292 - Subsection (6), Program 293 - Subsection (7), Program 294 - Subsection (8), Program 295 - Subsection (9), Program 351 - Subsection (10), Program 352 - Subsection (11), Program 401 - Subsection (12), Program 402 - Subsection (13), Program 508 - Subsection (14), Program 614 - Subsection (15), Program 642 - Subsection (16)on pages 12 through 19.
5.) District Courts, Program 377 - Special Salary Adjustments in Section 4, Subsection (2) on pages 5 and 6.
6.) Military Department, Program 548 - Tuition Credit Reimbursement in Section 29, Subsection (4) on page 57.
7.) Board of Trustees of the Nebraska State Colleges in Section 47 and Chadron, Kearney, Peru & Wayne State Colleges in Section 48 on pages 73 through 78.
8.) University of Nebraska - All Campuses and Central Administration, in Section 49 on pages 79 through 83.
9.) Library Commission, Program 302 - Library aid to regional libraries and aid for resource services in Section 32, subsection (4) on page 62.
10.) Nebraska State Historical Society, Program 541 in Section 52, Subsection (4) on page 86 and 87.
11.) Game and Parks Commission - Oliver Reservior in Section 31, Subdivision (6) on page 60.
12.) Nebraska Commission on Law Enforcement and Criminal Justice, Program 201 - Crime Victim-Witness Assistance, in Section 74 on pages 105 and 106.

Provisions identified in paragraphs numbered 1, 2, 3 and 4 have become law the 29th day of March, 1984; the remaining provisions have become law on the 30th day of March, 1984.

Further, I hereby certify that L.B. 1128 was filed in the office of Secretary of State on April 2, 1984 at 2:31 o'clock p.m., along with the cover letter from the Clerk, the certificate of William E. Nichol, Presiding Officer of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this third day of April in the year of our Lord, One Thousand nine hundred and eighty-four.

(SEAL) ALLEN J. BEERMANN
Secretary of State

REPORT OF EXECUTIVE BOARD

April 2, 1984

1984 Resolutions Calling for a Study

246 Study of the area of Adult Protective Services. (Wesely, Marsh) Public Health and Welfare

250 Comprehensive study of present procedures for collection of delinquent property taxes. (Revenue, Carsten) Revenue

260 Study of the need for legal counsel in NE cities and villages with population of less than 50,000. (Beyer) Urban Affairs

304 Study the need for a state-operated residential facility for chronically mentally ill. (Appropriations, Warner) Performance Review and Audit

305 Examine the problems of river bank erosion and flood damage done to state-owned property. (Pappas) Public Works

306 Examine the current status of the Division of Mental Health to determine the effectiveness of the programs provided in the state. (Pappas) Public Health and Welfare

307 Creation of a State Banking Board to serve as an advisory body to the Dept. of Banking and Finance. (Vickers) Banking, Commerce and Insurance

309 Study of discrimination occurring in Nebraska's high schools in regard to scheduling athletic activities for boys and girls. (Pappas, V. Johnson) Education

310 Review of Nebraska's entire tax structure. (Pappas, DeCamp) Revenue

311 Examine the scope and adequacy of Nebraska's animal protection statutes. (R. Johnson, Pappas) Urban Affairs

312 Study to ascertain the availability of affordable agricultural credit to beginning farmers and ranchers for land, equipment, and operating expenses. (R. Johnson) Agriculture and Environment

315 Creation of a Housing Trust Fund which would use the interest earned on real estate escrow accounts to provide capital for low and moderate income housing. (Pappas) Banking, Commerce and Insurance

316 Study of the feasibility of the NE Educational Television station become two separate entities: 1. organizational entity geared to telecommunications, and 2. traditional broadcasting organization. (Pappas) Education

317 Study of the effectiveness of current statutes concerning theft, fraud or other unlawful activities carried out by use of computers or other high technology devices. (Beutler) Judiciary

318 Examine basic purposes, policies and goals of corrections, sentencing and parole in Nebraska. (Beutler) Judiciary

319 Examine feasibility of establishing or expanding employment opportunities for offenders incarcerated in NE penal institutions. (Beutler) Judiciary

320 Examine and seek solutions to problems of increasing population and overcrowding in NE penal institutions. (Beutler) Judiciary

321 Examine parimutuel system of betting at horseraces, including taxing structure and property tax exemptions allowed to tracks. (Pappas) Revenue

322 Study to assess the potential impact of prevention, health promotion, and risk reduction type programs on the health care system and resources of the state. (Fenger) Public Health and Welfare

323 Study of the availability, accessibility and affordability of adequate health care services, including mental health care. (Fenger) Public Health and Welfare

324 Study to examine current issues concerning NE Public Lettings Law. (Barrett) Government, Military and Veterans Affairs

325 Study all aspects of township system of government. (Landis) Government, Military and Veterans Affairs

326 Examination of the effect of underground economy on business in Nebraska. (Landis) Revenue

327 Examination of potential impact to Nebraska's natural resources because of the deployment of 100 "Peacekeeper" MX missiles. (Vickers, Wesely) Agriculture and Environment

328 Study of the salary schedule for the Nebraska State Patrol. (Remmers, Beyer) Appropriations

329 Examination of the conduct of commerce within NE, and legislative oversight over existing legislation governing the subject. (Banking, DeCamp) Banking, Commerce and Insurance

330 Examination of the Conduct of the banking industry in Nebraska and exercise legislative oversight over existing legislation governing same. (Banking, DeCamp) Banking, Commerce and Insurance

331 Examine conduct of insurance industry in NE, and exercise legislative oversight overexisting legislation governing same. (Banking, DeCamp) Banking, Commerce and Insurance

332 Maintain legislative oversight over central indexing system enacted by Legislature in LB 343, 1982. (Banking, DeCamp) Banking, Commerce and Insurance

333 Examine transient merchants in NE. (DeCamp) Urban Affairs

334 Conduct study of the NE export industry in general, and specifically inquire into the need for an export finance capability to help exporters with short-term financing. (DeCamp) Banking, Commerce and Insurance

335 Study the feasibility of NE participating in caucus system for election of delegates to National Convention of respective political parties to nominate presidential candidates. (Withem) Government, Military and Veterans Affairs

336 Study issues raised by LB 661, '84 which would allow counties with population of less than 150,000 to adopt system of personnel administration. (Withem) Government, Military and Veterans Affairs

338 Study plan for reorganization of public postsecondary education in NE. (Pappas) Education

342 Study of the safety of motor vehicles and combinations of vehicles on NE roadways. (Beyer) Public Works

343 Study state policy regarding workmen's compensation insurance premium rates and feasibility of potential change in the manner such compensation is provided. (Withem) Business and Labor

344 Study to assess the mental health needs of children and adolescents in NE. (Health Com., Fenger) Public Health and Welfare

345 Examination of current issues concerning NE Employment Security Law, reporting by employers of wage and separation information, assumption of experience accounts by business transferees, interest on delinquent contribution, and collection of overpaid benefits. (Bus. & Labor Com., Barrett) Business and Labor

346 Study of the impact of state policies on economic regulation of uranium mineral leasing and economic impact of the state's severance tax policy on producers and persons holding or granting uranium mining leases. (Scofield) Revenue

347 Continuing legislative review of factors contributing to spiralling health care costs. (Warner) Public Health and Welfare

348 Study of the problems associated with Alzheimer's disease and to propose any possible solutions to these many problems.

(Carsten, Lamb) Public Health and Welfare

349 Study of how the State of Nebraska may take advantage of recent changes in the telecommunications field to procure and operate a communications system. (Higgins) Telecommunications

352 Study of all election statutes in order to make any changes necessary to ease and encourage the participation by the citizens of NE in the electoral process. (Withem, Morehead) Government, Military and Veterans Affairs

353 Joint study by Government and Judiciary for the utilization of a regional jail system in NE. (Landis) Government, Military and Veterans Affairs

354 Identify technological changes with significant impact on Nebraskans and study changes needed to enable Nebraskans to benefit from the information age. (Landis) Government, Military and Veterans Affairs

355 Examine the feasibility of establishing a program of areawide solid waste management. (Landis) Agriculture and Environment

356 Study of all areas of lotteries and raffles conducted in the state. (Mis. Sub., Hefner) Miscellaneous Subjects

357 Study of all aspects of the theft and destruction of public library materials. (Mis. Sub., Hefner) Miscellaneous Subjects

359 Review of the goal, current availability, need for, and effectiveness of various assistance programs in creating an environment that promotes economic self sufficiency, independence and individual self-reliance among all citizens. (Wesely) Public Health and Welfare

360 Examine availability of comparable hospital cost data. (Wesely) Public Health and Welfare

361 Study Nebraska's public schools teacher tenure laws and the evaluation of teachers by school administrators. (Sieck, Lamb) Education

362 Study and assess alternative methods of providing property tax relief to agricultural landowners. (Sieck) Revenue

363 Study of the availability, accessibility, affordability, and delivery of services to rural Nebraska. (Scofield, Rupp, Vickers, Morehead) Urban Affairs

364 Study and assess needs of the elderly and disabled in both short and long-term facilities. (Sieck, H. Peterson) Public Health and Welfare

365 Study mechanisms for better enforcement of Article XII, Sec. 8, of the NE constitution, which is the result of the passage of Initiative 300 in the '82 general election. (Sieck) Agriculture and Environment

366 Study of the entire state corporate, property sales, and individual income tax structure. (Harris) Revenue

367 Study the role of the state and its various entities in the use of chemicals in agronomics. (Sieck, Lamb) Agriculture and Environment

368 Study of how best to encourage long term ownership of free standing and hospital based nursing homes in NE through an improved and revised Medicaid reimbursement system (Rupp) Public Health and Welfare

369 Study to examine the needs of cities and counties to build and maintain roads within their respective jurisdictions. (Withem) Public Works

371 Consideration of the potential for further renewable energy and development in Nebraska. (Beyer) Banking, Commerce and Insurance

372 The update of existing statutes to facilitate the transfer of the Carrier Enforcement Division of the Dept of Roads to the NE State Patrol. (Beyer) Public Works

373 Examination of the benefits and drawbacks of public financing of campaigns for candidates for state office and the feasibility of implementing such a system in the State of NE. (V. Johnson) Miscellaneous Subjects

374 Study the various public assistance programs which are provided for the underprivileged people of NE by the state and its local subdivisions. (V. Johnson) Public Health and Welfare

375 Study of the practicability and feasibility of extending the NE sales tax to include sales of services. (V. Johnson) Revenue

376 Examine the laws of the state governing water drainage and how they apply to rural landowners. (Hefner, Schmit) Public Works

377 Examine the agricultural industries within NE and laws relating to such industries. (Ag Com., Haberman) Agricultural and Environment

378 Perform an inventory of environmental and ecological conditions in NE and to study NE laws relating to the environment and ecology. (Ag Com., Haberman) Agriculture and Environment

379 Examine data available on NE solar and renewable tax credits and data which is available from the federal government, solar energy industry, consumers, other states, to determine effectiveness of NE solar and renewable energy tax credits. (Wesely) Banking, Commerce and Insurance

380 Study the recycling and resource conservation in NE. (Wesely) Agriculture and Environment

381 Study efforts to conserve energy in NE in both the public and

private sector. (Wesely) Banking, Commerce and Insurance

382 Examination of how concept of combining police and fire depts into a single Public Safety Dept relates to current pension laws for political subdivisions. (Wesely) Nebraska Retirement Systems

383 Study methods of raising teacher's salaries in NE for the purpose of attracting and retaining highly qualified teachers. (Vickers, Hoagland, Withem, R. Johnson) Education

384 Study various issues concerning special education. (Vickers) Education

385 Study areas of excellence at UN, state colleges, & technical community colleges, with emphasis on how these can be further developed to assist in meeting economic development needs of NE. (Vickers) Education

386 Study relationship between cancer and one's occupation, particularly relationship between cancer & firefighting. (McDonald) Business and Labor

387 Study to evaluate available tools for surface and underground water quality and quantity management in NE, including incentive for conservation, education, and regulatory options. (Schmit) Public Works

388 Conduct review of Ne ethanol industry with particular emphasis on attracting ethanol plants to NE; stimulation of development of human food products from distillers grain, etc. (Schmit) Agriculture and Environment

389 Study issues relating to public power industry and power consumers in NE. (Schmit) Public Works

390 Review of current programs and incentives and explore other possibilities for encouraging proper energy conservation and management. (Beyer) Banking, Commerce and Insurance

391 Study of the kinds of strategies NE could undertake to help smaller communities retain the law enforcement personnel whose training was financed by smaller communities. (Newell) Urban Affairs

392 Study existing health of SIDs and SID financing. (Newell) Urban Affairs

393 Study of the kinds of strategies NE could undertake for redevelopment of distressed areas. (Newell) Urban Affairs

394 Study to determine the structural integrity of various infrastructures throughout NE: extent of deterioration of bridges, roads, municipal water systems and waste water treatment facilities. Financing of these improvements. (Newell) Urban Affairs

395 Examine the potential for registration and voting by mail in NE. (Landis) Government, Military and Veterans Affairs

396	Assess the ability of hospitals to most efficiently use their employees to provide high quality health care services. (R. Peterson) Public Health and Welfare
397	Study current and proposed methods of valuation of land for property tax purposes. (Con. Rev., Labedz) Constitutional Revision and Recreation/Revenue
398	Study the impact of LR 245, '84 Ses. which, if adopted, would limit the amount of revenue collected by the State of NE. (Con. Rev., Labedz) Constitutional Revision and Recreation/Revenue
399	Study potential impact of LB 1081, 1984, which cedes concurrent legislative jurisdiction over crimes and offenses under the laws of this state to the US over and within all lands dedicated to national park purposes. (Con. Rev., Labedz) Constitutional Revision and Recreation
400	Study the impact of LB 1092, 1984, re-threatened and endangered species committee. (Con. Rev., Labedz) Constitutional Revision and Recreation
401	Study current NE statutes relating to Game and Parks Commission and their powers, functions, duties to determine whether any additions, deletions, or amendments to such statutes are necessary. (Con. Rev., Labedz) Constitutional Revision and Recreation
402	Study of visitation rights in cases where the child's welfare is being considered by a court with proper jurisdiction. (Hoagland, L. Johnson, H. Peterson, Rupp, Remmers, etc.) Judiciary
403	Study of: child motor vehicle restraint laws; compliance with restrictions on use of handicapped parking stalls; need for mandatory motorcycle helmet law; need for mandatory seatbelt law; compliance with 55 mph speed limit. (Marsh) Public Works
404	Examine existing NE statutes governing the NE Property and Casualty Guarantee Assn and NE Life and Health Guarantee Assn. (Banking, DeCamp) Banking, Commerce and Insurance
405	Conduct inquiry into feasibility and desirability of enacting statutes to allow group self-insurance pools among NE political subdivisions. (DeCamp) Banking, Commerce and Insurance
406	Exercise legislative oversight over activities of NE Accountability and Disclosure Comm. and existing statutes, rules and regs governing the Comm. (DeCamp) Miscellaneous Subjects
407	Comprehensive study of overall state and local revenue and tax structure in NE. (Revenue, Carsten) Revenue

408 Study current method of handling cash reserves of political subdivisions within NE. (Revenue, Carsten) Revenue

409 Study present system of financing highways, roads, and streets in NE. (Revenue, Carsten) Revenue

410 Study the level, tax incidence, and uses of aircraft fuel taxes in NE. (Revenue, Carsten) Revenue

411 Study procedures and standards for the issuance, implementation, and financial reporting of revenue and general obligation bonds. (Wesely) Revenue

412 Examine the incarceration of mentally ill dangerous persons in jail facilities when such persons are taken into custody by a police officer. (Wesely) Public Health and Welfare

413 Monitor recommendations of the Nebraskans for Quality and Affordable Health Care Task Force and coordinate with the agencies in the deliberation of these studies. (Wesely) Public Health and Welfare

414 Examine the structure of the mental retardation delivery system within Nebraska. (Wesely) Public Health and Welfare

415 Examine the feasibility of establishing a highrisk catastrophic illness insurance pool for person who otherwise are uninsurable due to preexisting medical condition. (Wesely) Banking, Commerce and Insurance

416 Examine the feasibility of developing long-term disability insurance coverage and dental coverage for state employees. (Wesely) Appropriations

417 Review the certificate of need process in NE and the efficacy and efficiency of the program. (Wesely) Public Health and Welfare

418 Study the special transportation needs of deliverers of manufactured goods from NE manufacturers to points in other states, etc. (Schmit) Public Works

419 Study various aspects of water project financing in NE, including user fees for various types of water uses and alternative funding sources for municipal water and wastewater projects. (Schmit) Public Works

420 Examine the method of taxation and collection of the special fuels tax to discover an equitable system of special fuels taxation clearly based on usage and consumption of special fuels. (Schmit) Revenue

421 Study issues of concern with regard to transportation and communications problems confronting urban and rural communities. (Schmit) Public Works

422 Study NE current statutes relating to taxation of motor vehicle fuel utilized in special fuel vehicles, with particular emphasis on potential constitutional problems as explained in AG

Opinion 193, 2/17/84. (Eret, Haberman) Revenue

423 Examine relationship between district and county courts of the state. (Beutler) Judiciary

424 Examine effectiveness and utilization of resources in our county attorney system. (Beutler) Judiciary

425 Study implementation and status of pension plans for 1st class cities as established by Laws 1983, LB 531, and ascertain if any legislative changes are necessary to carry out the intent of such pension plan legislation. (Wesely) Nebraska Retirement Systems

426 Study costs and benefits of allowing public employees to retire at an earlier age with full benefits. (Wesely, Warner, Schmit, DeCamp, Goodrich) Nebraska Retirement Systems

427 Study issues involved in providing cost of living adjustments in benefits to retired public employees. (Retirement, Wesely) Nebraska Retirement Systems

428 Study various retirement systems administered by NE and systems authorized or required for subdivisions of government. (Retirement, Wesely) Nebraska Retirement Systems

429 Examine whether NE should adopt a presidential caucus primary system similar to that used in Iowa. (Hoagland, Barrett) Government, Military and Veterans Affairs

430 Examine availability of suitable space and qualified teachers for visual and performing arts in NE public schools; examine community education opportunities through the public schools, etc. (Goodrich) Education

431 Study the problem of flooding on the rivers and streams of Nebraska. (Schmit) Public Works

432 Study potential impact on Nebraska's natural resources and political subdivisions of the planned deployment of 100 Peacekeeper or MX missiles in existing Minuteman missile silos in western Nebraska and eastern Wyoming. (Vickers, Wesely) Agriculture and Environment

433 Study to ascertain whether the statutory and constitutional provisions pertaining to impeachment should be revised, and to prepare legislation to that end, in light of the experience acquired during the impeachment and trial of the Attorney General in March, 1984. (V. Johnson, Hoagland) Judiciary

434 Study the criminal statutes of NE pertaining to controlled substances. (Hoagland) Judiciary

435 Educational needs and special care of severely mentally, physically, or psychologically handicapped young Nebraskans. (Hoagland) Education

436 Study localized energy management in Nebraska. (Clark,

Barrett, L. Johnson) Banking, Commerce and Insurance

437 Investigate propriety of retail sales of computer equipment to the general public by UN in direct competition with a number of small businesses in NE. (Hoagland) Appropriations

438 Study the NE Dental Practices Act, and conduct a performance review of the Board of Dental Examiners. (Kilgarin) Performance Review and Audit

439 Examine the high technology curriculum in postsecondary institutions of NE. (Morehead, Labedz, Harris, Scofield) Education

440 Study present and potential interstate water disputes and pursue the resolution of such conflicts in an equitable manner which recognizes the needs and rights of all states in this region. (Schmit) Public Works

441 Study the feasibility of placing the office of election commissioner on a district basis. (Pirsch) Government, Military and Veterans Affairs

442 Study of the different aspects of plea bargaining. (Pirsch) Judiciary

443 Examine the need for mandatory psychiatric insurance coverage in NE. (Pirsch) Banking, Commerce and Insurance

444 Study to evaluate the problems of theft, mutilation, and damages of library materials and various proposals relating to recovery of costs for such actions. (Beutler) Miscellaneous Subjects

445 Examination of the extent, nature, and sources of ground water pollution in Nebraska. (Beutler) Agriculture and Environment

446 Various aspects of the care, commitment and release of chronically mentally ill patients from state mental institutions in NE. (Beutler) Public Health and Welfare

447 Examine purpose of the Law Enforcement Improvement Fund. (Beutler) Judiciary

448 Examine the effectiveness and proper utilization of resources of the state's public defender system. (Beutler) Judiciary

449 Study of taxation in Nebraska, including consideration regarding economic development; such committee shall monitor, assist, and coordinate its activities with any other study or studies being conducted regarding taxation. (Goodrich) Revenue

450 Study of statutes allowing a victim of a criminal offense to be afforded a reasonable opportunity to attend any trial or hearing by any court which pertains to such offense. (Pirsch) Judiciary

452 Examine the system of imposing the death penalty in the State

	of Nebraska. (Beutler) Judiciary
453	Study evaluating the rationale behind the current classification system of cities and villages in NE. (Newell, Rupp, Fenger, Scofield) Urban Affairs
454	Study feasibility of extending public radio service across the state. (R. Johnson) Education
455	The affect of a prejudgment interest law on the number of law suits being filed and their desirability on all legal actions. (DeCamp) Judiciary
458	Explore all options for resolution of problems created by the failure of Commonwealth. (Wesely, Warner, Marsh, Harris, Beutler, Landis) Special Commonwealth Committee
465	Examine the cost of medical malpractice insurance as it relates to overall health care costs. (DeCamp) Banking, Commerce and Insurance

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

UNANIMOUS CONSENT - Withdraw Amendment to LB 962

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment found in the Journal on page 1401 to LB 962. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 962.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2103 to 77-2105, 77-2706.01, 77-2719, 77-2725, 77-2753, 77-2754 to 77-2758, 77-2770, 77-2785, 77-2788, 77-2790, 77-2791, 77-27,104, 77-27,119, 77-27,125, 77-27,130, and 81-1247, Reissue Revised Statutes of Nebraska, 1943, sections 77-2102, 77-2705, 77-2706, and 77-2711, Revised Statutes Supplement, 1982, and sections 77-2702, 77-2715.04, 77-2715.06, 77-2716, and 77-2769, Revised Statutes Supplement, 1983; to change provisions relating to taxes and revenue as prescribed; to change provisions relating to estate taxes; to define and redefine terms; to change provisions relating to sales and use taxes; to change provisions relating to tax collection; to change provisions relating to income taxes as prescribed; to change provisions relating to the Cash Reserve Fund; to change provisions relating to withholdings; to change provisions relating to certain assessments; to change provisions relating to franchise taxes as prescribed; to provide powers and duties; to eliminate certain provisions relating to taxation of estates and trusts; to provide penalties; to provide operative dates; and to repeal the original sections, and also sections 77-2720, 77-2722, and 77-2726, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud Barrett Beutler Beyer Carsten
Chronister DeCamp Eret Fenger Goll
Haberman Hannibal Harris Hefner Higgins
Hoagland Jacobson Johnson, L. Johnson, R. Kahle
Labedz Lamb Landis Lundy Marsh
Morehead Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Schmit Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Goodrich

Excused and not voting, 6:

Chambers Clark Johnson, V. Kilgarin McDonald
Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 700.

A BILL FOR AN ACT relating to state employees; to provide intent; to define terms; to establish the Pay Equity Commission; to provide duties; to provide a termination date; and to provide severability.

Mrs. Marsh requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 19:

Barrett Beutler DeCamp Goodrich Harris
Higgins Hoagland Johnson, R. Labedz Landis
Marsh Morehead Pappas Schmit Scofield
Sieck Vickers Warner Withem

Voting in the negative, 23:

Abboud Beyer Carsten Chronister Eret
Fenger Goll Haberman Hannibal Hefner
Jacobson Johnson, L. Kahle Lamb Lundy
Nichol Peterson, H. Peterson, R. Pirsch Remmers
Rupp Von Minden Wagner

Present and not voting, 1:

Wesely

Excused and not voting, 6:

Chambers Clark Johnson, V. Kilgarin McDonald
Newell

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

UNANIMOUS CONSENT - Withdraw Amendment to LB 809

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM2332, found in the Journal on page 1493 to LB 809. No objections. So ordered.

ANNOUNCEMENT

The Chair announced that tomorrow is Senator Kahle's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 809.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3501, 77-3521, and 77-3522, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3509.01 to 77-3514, 77-3516, and

77-3529, Revised Statutes Supplement, 1983; to provide an exemption based on actual value as prescribed; to provide requirements for property tax statements; to harmonize provisions; and to repeal the original sections.

Mr. Hannibal requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 20:

Abboud
Beyer
DeCamp
Eret
Fenger
Goll
Haberman
Hannibal
Harris
Higgins
Jacobson
Labedz
Morehead
Pirsch
Rupp
Schmit
Scofield
Von Minden
Wesely
Withem

Voting in the negative, 22:

Barrett
Beutler
Carsten
Chronister
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, R.
Kahle
Lamb
Landis
Lundy
Marsh
Nichol
Pappas
Peterson, H.
Peterson, R.
Remmers
Sieck
Wagner
Warner

Present and not voting, 1:

Vickers

Excused and not voting, 6:

Chambers
Clark
Johnson, V.
Kilgarin
McDonald
Newell

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 671.

A BILL FOR AN ACT relating to counties; to amend section 23-153, Reissue Revised Statutes of Nebraska, 1943; to allow mileage reimbursement for county board members; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Barrett	Beyer	Carsten	Chronister	DeCamp
Eret	Fenger	Goll	Goodrich	Haberman
Hannibal	Harris	Hefner	Higgins	Hoagland
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 4:

Abboud	Beutler	Morehead	Pirsch

Present and not voting, 2:

Jacobson	Marsh

Excused and not voting, 5:

Chambers	Clark	Johnson, V.	McDonald	Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. R. Johnson and Lundy asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 714. With Emergency.

A BILL FOR AN ACT relating to liquors; to amend section 53-170.03, Reissue Revised Statutes of Nebraska, 1943; to change the duties of certain manufacturers and importers; to authorize certain price changes; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Barrett	Beyer	Carsten	Chronister

DeCamp Eret Fenger Goll Goodrich
Haberman Harris Hefner Higgins Hoagland
Jacobson Johnson, L. Johnson, R. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
Morehead Nichol Pappas Peterson, H. Peterson, R.
Remmers Rupp Schmit Scofield Sieck
Vickers Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 2:

Hannibal Pirsch

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 4:

Clark Johnson, V. McDonald Newell

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 724.

A BILL FOR AN ACT relating to nurses; to amend sections 71-1,103, 71-1704, 71-1706, 71-1707, 71-1711, 71-1716, 71-1717, 71-1719, 71-1721, 71-1722, 71-1726, 71-1730, 71-1731, and 71-1736, Reissue Revised Statutes of Nebraska, 1943, and section 71-1724, Revised Statutes Supplement, 1983; to rename an act; to define and redefine terms; to provide criteria for nurse practitioner programs; to change provisions relating to the functions of certain nurses; to eliminate an advisory council; to provide powers and duties; to create a council; to provide certification and renewal requirements; to provide for temporary certification; to require the approval of certain boards as prescribed; to provide penalties; to authorize the use of certain titles; to harmonize provisions; to provide exceptions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Kahle	Kilgarin	Labedz	Lamb	Landis
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Excused and not voting, 5:

Clark	Johnson, R.	Johnson, V.	Lundy	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 724A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 724, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Johnson, L.	Kahle
Kilgarin	Labedz	Lamb	Landis	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Present and not voting, 1:

Jacobson

Excused and not voting, 5:

Clark Johnson, R. Johnson, V. Lundy McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 769.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, 1943; to reduce the administrative fee retained by the state for collection of local sales and use taxes; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud Barrett Beyer Chambers Chronister
DeCamp Eret Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Hoagland Jacobson Kahle Kilgarin Labedz
Lamb Landis Marsh Morehead Newell
Nichol Pappas Peterson, R. Pirsch Rupp
Schmit Scofield Sieck Von Minden Wagner
Wesely Withem

Voting in the negative, 6:

Carsten Johnson, L. Peterson, H. Remmers Vickers
Warner

Present and not voting, 1:

Beutler

Excused and not voting, 5:

Clark Johnson, R. Johnson, V. Lundy McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 861.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3202, 39-612, 39-663, and 39-712.01, Reissue Revised Statutes of Nebraska, 1943, and section 39-602, Revised Statutes Supplement, 1983; to authorize designation and regulation of recreation areas; to provide powers and duties; to provide penalties; to provide for enforcement; to authorize easements; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 3:

Clark	Johnson, V.	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 931. With Emergency.

A BILL FOR AN ACT relating to education; to enact the Nebraska Mathematics and Science Teacher Tuition Assistance Act; to eliminate certain existing provisions relating to mathematics and science teachers; to repeal sections 79-12,122 to 79-12,141, Revised Statutes

Supplement, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Johnson, R. Kahle Kilgarin Lamb Landis
Lundy Marsh Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 3:

Clark Johnson, V. McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 931A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 931, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister DeCamp Eret Fenger

Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Johnson, R. Kilgarin Lamb Landis Lundy
Marsh Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Kahle Labedz

Excused and not voting, 3:

Clark Johnson, V. McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1019. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 15-1002 and 15-1013.01, Reissue Revised Statutes of Nebraska, 1943, and sections 15-1001, 15-1001.01, 15-1005 to 15-1007.02, 15-1008, and 15-1013.02, Revised Statutes Supplement, 1982; to define terms; to change provisions relating to retirement for firefighters and police officers of primary-class cities; to provide alternative contribution and benefit rates; to eliminate a provision on reduction of pension; to repeal the original sections, and also section 15-1010, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Johnson, L. Johnson, R. Kahle
Kilgarin Labedz Lamb Landis Marsh
Morehead Newell Nichol Pappas Peterson, H.

Peterson, R. Pirsch Remmers Rupp Schmit
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 0:

Present and not voting, 3:

Hoagland Jacobson Lundy

Excused and not voting, 3:

Clark Johnson, V. McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 820. With Emergency.

A BILL FOR AN ACT relating liquor; to amend section 53-138.02, Reissue Revised Statutes of Nebraska, 1943, and section 53-135, Revised Statutes Supplement, 1983; to authorize payment of certain fees as prescribed; to change provisions relating to bond requirements; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Johnson, L. Johnson, R.
Kahle Kilgarin Labedz Lamb Landis
Marsh Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Jacobson
Lundy

Excused and not voting, 3:

Clark
Johnson, V.
McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 908.

A BILL FOR AN ACT relating to schools; to amend section 79-801, Revised Statutes Supplement, 1983; to change provisions relating to changes in the boundaries of certain school districts; to provide for negotiations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Barrett
Carsten
Chambers
Chronister
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
Morehead
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 2:

Beyer
Newell

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Clark
Johnson, V.
McDonald

A constitutional majority having voted in the affirmative, the bill

was declared passed and the title agreed to.

LEGISLATIVE BILL 976.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend section 81-201, Reissue Revised Statutes of Nebraska, 1943; to create a fund; to provide for its use; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Present and not voting, 2:

Jacobson	Vickers

Excused and not voting, 3:

Clark	Johnson, V.	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 976A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 976, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud Barrett Beutler Beyer Carsten
Chronister DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Johnson, L. Johnson, R. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers Jacobson

Excused and not voting, 3:

Clark Johnson, V. McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 985.

A BILL FOR AN ACT relating to the Nebraska Natural Resources Commission; to amend section 2-3264, Reissue Revised Statutes of Nebraska, 1943; to provide for the creation of a reserve fund; to provide powers and duties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Johnson, R. Kahle Kilgarin Labedz Lamb
Landis Lundy Marsh Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Schmit Scofield Sieck
Vickers Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 3:

Clark Johnson, V. McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 341.

A BILL FOR AN ACT relating to schools; to amend sections 79-1332, 79-1335, and 79-1338, Reissue Revised Statutes of Nebraska, 1943, section 79-1333.01, Revised Statutes Supplement, 1982, and section 79-1333, Revised Statutes Supplement, 1983; to state intent; to change provisions relating to the School Foundation and Equalization Fund, the distribution of certain funds, eligibility requirements, maximum tax levies, and calculation of tuition receipts; to limit increases in financial support; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Barrett Beutler Beyer Chronister DeCamp
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Johnson, L. Johnson, R.
Kahle Kilgarin Labedz Lamb Lundy
Marsh Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Rupp Schmit
Scofield Vickers Wagner Wesely Withem

Voting in the negative, 10:

Abboud Carsten Eret Fenger Jacobson
Landis Remmers Sieck Von Minden Warner

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Clark Johnson, V. McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 341A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 341, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Barrett
Beyer
Chronister
Eret
Goll
Goodrich
Haberman
Harris
Hefner
Higgins
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Lundy
Marsh
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Rupp
Schmit
Scofield
Vickers
Wagner
Withem

Voting in the negative, 14:

Abboud
Beutler
Carsten
DeCamp
Fenger
Hannibal
Jacobson
Landis
Morehead
Remmers
Sieck
Von Minden
Warner
Wesely

Present and not voting, 2:

Chambers
Hoagland

Excused and not voting, 3:

Clark
Johnson, V.
McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 928.

A BILL FOR AN ACT relating to schools; to amend sections 79-201, 79-328, and 79-1701, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to required attendance; to change powers and duties of the State Board of Education; to provide for an election relating to accreditation and approval requirements; to provide alternative requirements as prescribed; to provide penalties; to prohibit certain actions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Abboud Barrett Beyer Chronister DeCamp
Eret Fenger Goll Hannibal Hefner
Hoagland Kahle Labedz Lamb Landis
Marsh Newell Pappas Peterson, H. Peterson, R.
Remmers Schmit Scofield Sieck Vickers
Von Minden Wagner Wesely

Voting in the negative, 16:

Beutler Carsten Chambers Goodrich Haberman
Higgins Jacobson Johnson, L. Johnson, R. Kilgarin
Lundy Morehead Nichol Pirsch Rupp
Warner

Present and not voting, 1:

Withem

Excused and not voting, 4:

Clark Harris Johnson, V. McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. R. Johnson and Hoagland asked unanimous consent to be excused until they return. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 4, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ryan, James E. - Lincoln, Omaha National Corporation
Thompson, Kirstin D. - New York, NY, Philip Morris Incorporated (Withdrawn 3/29/84)

MOTION - Return LB 892 to Select File

Mr. DeCamp moved to return LB 892 to Select File for the following specific amendment:

Increase sales tax to 49%

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 468CA.

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article VIII, section 1, and by adding to such Article a new section 13, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendments to Article VIII, section 1, and by adding to such Article a new section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that the Legislature shall establish a separate class for land actively devoted to agricultural or horticultural use which shall not include improvements on such land and may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, semi-trailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of said county on personal tangible property. The Legislature shall ~~may~~ enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be determined according to the productivity of ~~that value which such land has for~~ agricultural or horticultural ~~use~~ land without regard to any value which such land might have for other purposes or uses, and may prescribe standards and methods for the determination of the value of other real or ~~other~~ tangible property at uniform and proportionate values. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.

Sec. 13. Beginning January 1, 1986, the maximum amount of ad valorem tax levied on any property for any taxable year shall not exceed two per cent of the actual value of such property as determined by the assessment rolls, except for ad valorem taxes levied for retiring, refunding, or servicing indebtedness approved by the voters according to law. Such limitation may be increased by an affirmative vote of four-fifths of the members of the Legislature or, within a political subdivision, by a majority vote of the electors within such subdivision voting on such issue, except that any such increased limitation shall not be effective for more than one tax year after any such vote.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to establish separate and distinct classes of property for the purpose of taxation, to provide that land actively devoted to agricultural or horticultural use be valued based on productivity, to limit the amount of tax levied

on property, and to authorize increases as prescribed.
For
Against".

Sec. 3, That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

STANDING COMMITTEE REPORT
Public Works

The Committee on Public Works desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Thom K. Cope, Lincoln—Motor Vehicle Licensing Industry
Richard Edward McFayden, Omaha—Motor Vehicle Licensing Industry
Alan Young, Lincoln—Motor Vehicle Licensing Industry

Voting aye: Senators Schmit, Beyer, Harris, Lamb, and Withem.
Absent: Senators Clark, DeCamp, and Hoagland.

(Signed) Loran Schmit, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 994.

A BILL FOR AN ACT relating to schools; to amend sections 79-101, 79-201, 79-201.06, 79-328, 79-1247.02, 79-1247.05, 79-1247.06, 79-1247.09, 79-1282, and 79-2201, Reissue Revised Statutes of Nebraska, 1943, and section 79-12,107, Revised Statutes Supplement, 1982; to provide intent; to define and redefine terms; to provide minimum guidelines for completion of high school; to change provisions relating to school terms; to change and provide additional powers and duties for the State Department of Education and the State Board of Education; to change provisions relating to approval and accreditation as prescribed; to establish an entry-year assistance program; to change provisions relating to administrator and teacher certification as prescribed; to provide for the awarding of grants-in-aid and other financial assistance as prescribed; to create a fund; to create a committee; to create a scientist-in-residence program; to provide for a dissemination program as prescribed; to provide for appropriations; to establish a state-level consortium; to change provisions relating to educational service units as prescribed; to exclude certain items from budget limitations; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Rupp
Schmit
Scofield
Sieck
Vickers
Wagner
Warner
Wesely
Withem

Voting in the negative, 3:

Hefner
Lamb
Von Minden

Present and not voting, 2:

Chambers
Remmers

Excused and not voting, 2:

Clark
Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 994A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Kahle Kilgarin Labedz Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Rupp
Schmit Scofield Sieck Vickers Wagner
Warner Wesely Withem

Voting in the negative, 3:

Hefner Lamb Von Minden

Present and not voting, 1:

Remmers

Excused and not voting, 2:

Clark Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LR 235

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 2163 to LR 235. No objections. So ordered.

MOTION - Return LR 235 to Select File

Mr. Wesely moved to return LR 235 to Select File for the following specific amendment:
Strike enacting clause

Mr. Wesely asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 235CA.

A Resolution to propose an amendment to Article V, section 30, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article V, section 30, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 30. (1) A Justice or Judge of the Supreme Court or judge of any court of this state may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in the State of Nebraska, or (f) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or he or she may be retired for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent. Any citizen of the State of Nebraska may request the Commission on Judicial Qualifications to consider the qualifications of any Justice or Judge of the Supreme Court or other judge, and in such event the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, ~~privately~~ reprimand such Justice or Judge of the Supreme Court or other judge or order a formal open hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge. In the alternative or in addition, the commission may request the Supreme Court to appoint one or more special masters who shall be judges of courts of record to hold a formal open hearing to take evidence in any such matter, and to report to the commission. If, after formal open hearing, or after considering the record and report of the masters, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the Supreme Court that the Justice or Judge of the Supreme Court or other judge involved shall be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case may be.

(2) The Supreme Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence.

The Supreme Court shall make such determination as it finds just and proper, and may order the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge, or may wholly reject the recommendation. Upon an order for retirement, the Justice or Judge of the Supreme Court or other judge shall thereby be retired with the same rights and privileges as if he or she had retired pursuant to statute. Upon an order for removal, the Justice or Judge of the Supreme Court or other judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be ineligible for judicial office. Upon an order for suspension, the Justice or Judge of the Supreme Court or other judge shall draw no salary and shall perform no judicial functions during the period of suspension. Suspension shall not create a vacancy in the office of Justice or Judge of the Supreme Court or other judge.

(3) Upon order of the Supreme Court, a Justice or Judge of the Supreme Court or other judge shall be disqualified from acting as a Justice or Judge of the Supreme Court or other judge, without loss of salary, while there is pending (a) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or (b) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement.

(4) In addition to the procedure set forth in subsections (1) and (2) of this section, on recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court (a) shall remove a Justice or Judge of the Supreme Court or other judge from office when in any court in the United States such justice or judge pleads guilty or no contest to a crime punishable as a felony under Nebraska or federal law, and (b) may suspend a Justice or Judge of the Supreme Court or other judge from office without salary when in any court in the United States such justice or judge is found guilty of a crime punishable as a felony under Nebraska or federal law or of any other crime that involves moral turpitude. If his or her conviction is reversed, suspension shall terminate and he or she shall be paid his or her salary for the period of suspension. If he or she is suspended and his or her conviction becomes final the Supreme Court shall remove him or her from office.

(5) All papers filed with and proceedings before the commission or masters appointed by the Supreme Court pursuant to this section prior to a reprimand or ~~any~~ formal open hearing shall be confidential. The filing of papers with and the testimony given before the commission or masters or the Supreme Court shall be deemed a privileged communication.

When the Commission on Judicial Qualifications determines that disciplinary action is warranted, whether it be a reprimand or otherwise, the Commission on Judicial Qualifications shall issue one or more short announcements confirming that a complaint has been filed; stating the subject and nature of the complaint, the disciplinary action recommended or reprimand issued, or the date of the hearing; clarifying the procedural aspects; and reciting the right of a judge to a fair hearing.

When the Commission on Judicial Qualifications determines that disciplinary action is not warranted, and the existence of any investigation or complaint has become publicly known, the judge against whom a complaint has been filed or investigation commenced may waive the confidentiality of papers and proceedings under this subsection.

The Supreme Court shall by rule provide for procedure under this section before the commission, the masters, and the Supreme Court.

(6) No Justice or Judge of the Supreme Court or other judge shall participate, as a member of the commission, or as a master, or as a member of the Supreme Court, in any proceedings involving his or her own reprimand, discipline, censure, suspension, removal, or retirement.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to change provisions and procedures relating to disciplinary actions against judges.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 32:

Barrett
Beutler
Beyer
Carsten
Chambers
DeCamp
Fenger
Goll
Haberman
Harris
Hefner
Higgins
Jacobson
Johnson, L.
Kahle
Lamb
Lundy
McDonald
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 15:

Abboud Chronister Eret Goodrich Hannibal
Hoagland Johnson, R. Kilgarin Labedz Landis
Marsh Morehead Schmit Wesely Withem

Excused and not voting, 2:

Clark Johnson, V.

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 348.

A BILL FOR AN ACT to amend section 74-1320, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to increase an excise tax; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barrett Beutler Beyer Carsten Chambers
Chronister DeCamp Eret Fenger Goll
Haberman Hefner Higgins Hoagland Johnson, L.
Kahle Kilgarin Lamb Landis Lundy
Marsh McDonald Nichol Pappas Peterson, H.
Peterson, R. Remmers Rupp Schmit Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 9:

Abboud Goodrich Hannibal Jacobson Johnson, R.
Labedz Morehead Newell Pirsch

Present and not voting, 1:

Harris

Excused and not voting, 2:

Clark Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 711.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 60-412, Revised Statutes Supplement, 1983; to provide for additional information on certain motor vehicle operators' licenses; to eliminate a decal provision; and to repeal the original section, and also section 60-406.02, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud Barrett Beyer Chronister DeCamp
Eret Fenger Goll Goodrich Haberman
Hannibal Harris Hefner Hoagland Johnson, L.
Johnson, R. Kahle Kilgarin Lamb Landis
Lundy Marsh McDonald Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Rupp Schmit Scofield Sieck Vickers
Wagner Warner Wesely Withem

Voting in the negative, 8:

Beutler Carsten Chambers Higgins Jacobson
Labedz Remmers Von Minden

Excused and not voting, 2:

Clark Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 711A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 711, Eighty-eighth Legislature, Second

Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Barrett	Beyer	Chronister	DeCamp
Eret	Fenger	Goll	Goodrich	Haberman
Hannibal	Harris	Hefner	Hoagland	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Rupp	Schmit	Scofield	Sieck	Wagner
Warner	Wesely	Withem		

Voting in the negative, 7:

Beutler	Carsten	Chambers	Higgins	Jacobson
Labedz	Von Minden			

Present and not voting, 2:

Remmers	Vickers

Excused and not voting, 2:

Clark	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 830.

A BILL FOR AN ACT relating to horseracing; to amend section 2-128, Reissue Revised Statutes of Nebraska, 1943, and section 2-1208.01, Revised Statutes Supplement, 1982; to change provisions relating to the parimutuel tax; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Kahle
Vickers

Excused and not voting, 2:

Clark
Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 838. With Emergency.

A BILL FOR AN ACT relating to building maintenance; to amend section 81-185, Reissue Revised Statutes of Nebraska, 1943, and sections 81-186 and 81-191.01, Revised Statutes Supplement, 1982; to change membership of the Committee on Building Maintenance; to eliminate provisions relating to termination of the committee, transfer of activities, and expiration of statutes; to extend a filing date; to repeal the original sections, and also sections 81-189 and 81-191, Revised Statutes Supplement, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead

Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Vickers

Excused and not voting, 2:

Clark
Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 890.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2637, Reissue Revised Statutes of Nebraska, 1943, and section 79-2651, Revised Statutes Supplement, 1982; to define and redefine terms; to provide for the allocation and distribution of funds as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Jacobson

Excused and not voting, 2:

Clark Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 902. With Emergency.

A BILL FOR AN ACT relating to health services; to amend sections 21-1512, 44-513, and 44-749, Reissue Revised Statutes of Nebraska, 1943, and section 44-1525, Revised Statutes Supplement, 1982; to authorize insurance arrangements for health services with preferred providers; to define terms; to provide exceptions; to harmonize provisions; to provide for severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Johnson, R. Kahle Kilgarin Labedz Lamb
Landis Lundy Marsh McDonald Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Schmit Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Excused and not voting, 2:

Clark Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 904. With Emergency.

A BILL FOR AN ACT relating to medical assistance benefits; to authorize certain contracts as prescribed; to provide powers and duties; to provide for termination of statutes; to repeal a provision regarding hospital per diem costs; to provide for severability; to repeal section 68-127, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Higgins	Hoagland	Johnson, L.	Johnson, R.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 2:

Hefner	Peterson, H.

Present and not voting, 1:

Jacobson

Excused and not voting, 2:

Clark	Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 916.

A BILL FOR AN ACT relating to mobile homes; to adopt the Mobile

Home Landlord and Tenant Act; to amend section 71-4624, Revised Statutes Supplement, 1983; to change certain fees; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Barrett Beutler Beyer Carsten Chambers
Chronister DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Kahle Kilgarin Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Wagner Warner Wesely Withem

Voting in the negative, 2:

Abboud Von Minden

Present and not voting, 1:

Labedz

Excused and not voting, 2:

Clark Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 970. With Emergency.

A BILL FOR AN ACT relating to state colleges; to amend sections 85-941, 85-951, 85-954 to 85-956, and 85-958, Reissue Revised Statutes of Nebraska, 1943; to authorize certain master's programs as prescribed; to create a joint advisory committee; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud Barrett Beyer Carsten Chambers
Chronister DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Kahle Kilgarin Landis Lundy Marsh
McDonald Newell Nichol Pappas Peterson, H.
Peterson, R. Remmers Rupp Schmit Scofield
Sieck Vickers Von Minden Wagner Withem

Voting in the negative, 6:

Beutler Lamb Morehead Pirsch Warner
Wesely

Present and not voting, 1:

Labedz

Excused and not voting, 2:

Clark Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 970A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 970, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud Barrett Beyer Carsten Chambers
Chronister Eret Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Hoagland Jacobson Johnson, R. Kahle Kilgarin
Landis Lundy Marsh McDonald Newell
Nichol Pappas Peterson, H. Peterson, R. Remmers

Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Withem		

Voting in the negative, 8:

Beutler	DeCamp	Johnson, L.	Lamb	Morehead
Pirsch	Warner	Wesely		

Present and not voting, 1:

Labedz

Excused and not voting, 2:

Clark	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1078. With Emergency.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1518, 81-1521.04, 81-1527, and 81-1528, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1502, 81-1504, 81-1505, and 81-1508, Revised Statutes Supplement, 1983; to redefine terms; to make available certain information relating to hazardous waste as prescribed; to provide and change powers and duties as prescribed; to provide for rules and regulations as prescribed; to provide and change penalties; to change an exemption; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely

Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Clark
Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Reconsider Action on LB 809

Mr. Newell moved to reconsider our action on LB 809 on Final Reading.

The motion to reconsider their action prevailed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 809.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Abboud
Beyer
Chambers
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Higgins
Jacobson
Kilgarin
Labedz
Landis
McDonald
Morehead
Newell
Pappas
Pirsch
Rupp
Schmit
Scofield
Vickers
Von Minden
Wesely
Withem

Voting in the negative, 18:

Barrett
Beutler
Carsten
Chronister
Hefner

Hoagland Johnson, L. Johnson, R. Kahle Lamb
Lundy Nichol Peterson, H. Peterson, R. Remmers
Sieck Wagner Warner

Present and not voting, 1:

Marsh

Excused and not voting, 2:

Clark Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Reconsider Action on LB 341A

Mr. Chambers moved to reconsider 341A.

Mr. Wesely requested a ruling of the Chair on whether the motion is properly before us pursuant to Rule 7, Sec. 7(d)

The Chair ruled the motion out of order.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: 962, 671, 714, 724, 724A, 769, 861, 931, 931A, 1019, 820, 908, 976, 976A, 985, 341, 341A, 928, 994, 994A, 348, 711, 711A, 809, 830, 838, 890, 902, 904, 916, 970, 970A, 1078, and LR 235.

RESOLUTION

LEGISLATIVE RESOLUTION 469.

Introduced by Hefner, 19th District.

WHEREAS, the Department of Correctional Services adult correctional facility is charged with the duty of manufacturing license plates in cooperation with the Department of Motor Vehicles; and

WHEREAS, it has traditionally taken twelve months to complete the manufacture of license plates; and

WHEREAS, it has taken only seven months to complete the manufacture of license plates in 1983 and 1984; and

WHEREAS, it has taken dedication and hard work on behalf of the inmates at the Department of Correctional Services adult correctional facility; and

WHEREAS, the inmates worked many overtime hours, at times up to eighteen hours per day, and through the holidays in order to complete the task; and

WHEREAS, the quality of Nebraska license plates is outstanding.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the labor and craftsmanship of the inmates involved in the production of the license plates and commends the inmates, the Department of Correctional Services, and the Department of Motor Vehicles for a job well done.
2. That the Legislature encourages all Nebraskans to recognize the quality of the 1984 license plates and the efforts and labor of Nebraska inmates in this expressive and noble symbol of our great state.
3. That a copy of this resolution be sent to the Director of Correctional Services and the Director of Motor Vehicles.

Laid over.

MOTION - Suspend Rules

Speaker Nichol moved to suspend Rule 6 Section 7(b) so as to allow consideration of bills bracketed on Final Reading for 4/9/84.

The motion to suspend the rules prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1106.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1503, 2-3263, 2-3269, 2-3270, 2-3272, and 37-435, Reissue Revised Statutes of Nebraska, 1943, sections 2-3265, 2-3271, 2-3283, 2-3286 to 2-3289, and 46-209, Revised Statutes Supplement, 1982, and sections 2-1504, 2-1507, and 46-673.01, Revised Statutes Supplement, 1983; to state and restate intent; to define terms; to create a board; to provide for certain consultation and the review of certain projects as prescribed; to provide for a Director of Natural Resources; to create a fund and provide for its use; to change provisions relating to the Nebraska Resources Development Fund; to provide for instream appropriations; to provide limitations; to provide for certain financial assistance; to change provisions relating to the state water planning and review process; to require ground water management plans; to provide powers and duties; to appropriate funds; to harmonize provisions; to adopt the Nebraska Water Project Revenue Bonding Act; to eliminate an advisory board; to provide an operative date; and to repeal the original sections, and also section 2-3268, Revised Statutes Supplement, 1982.

Mr. Warner raised a point of order on whether the passage of LB 1106 will require 25 votes or 30 votes because of appropriations language contained in the bill.

The Chair ruled LB 1106 would require 25 votes and LB 1106A would require 30 votes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud Beutler Carsten Chronister DeCamp
Eret Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Kahle Kilgarin Labedz Lamb Landis
Lundy Marsh McDonald Morehead Newell
Pappas Peterson, H. Schmit Scofield Sieck
Vickers Wagner Wesely Withem

Voting in the negative, 12:

Barrett Beyer Fenger Johnson, L. Johnson, R.
Nichol Peterson, R. Pirsch Remmers Rupp
Von Minden Warner

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Clark Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 1106A to Select File.

Mr. Beutler moved to return LB 1106A to Select File for the following specific amendment:
To strike the enacting clause

Mr. Beutler asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1106A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1106, Eighty-eighth Legislature, Second Session, 1984.

Mr. Schmit requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Beutler
Carsten
Chambers
Chronister
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Jacobson
Kahle
Kilgarin
Labedz
Landis
Lundy
McDonald
Morehead
Newell
Pappas
Peterson, H.
Schmit
Scofield
Sieck
Vickers
Wagner
Wesely
Withem

Voting in the negative, 16:

Abboud
Beyer
DeCamp
Eret
Fenger
Hoagland
Johnson, L.
Johnson, R.
Lamb
Nichol
Peterson, R.
Pirsch
Remmers
Rupp
Von Minden
Warner

Present and not voting, 1:

Barrett

Excused and not voting, 3:

Clark	Johnson, V.	Marsh

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

VISITORS

Visitors to the Chamber were Mrs. Edna Capek from Geneva; Gilbert Behlen and Sharon Hull from Columbus; 43 fourth grade students from Seymour Elem. School from Ralston; 24 fourth grade students and teacher from Westmont School, Omaha; 24 fourth grade students and sponsors from Westmont School, Springfield; 87 eighth grade students and teacher from Central City; 20 fourth grade students, teacher, and sponsors from Shelby Public School; and 22 fourth graders, teacher, and sponsors from Stanton Elementary.

RECESS

At 12:10 p.m., on a motion by Mr. Sieck, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Schmit, Warner, Withem, and Mrs. Labedz who were excused until they arrive.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 227CA.

A Resolution to propose an amendment to Article VIII, section 12, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 12, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 12. For the purpose of rehabilitating, acquiring, or ~~and~~ redeveloping substandard ~~or~~ and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or ~~and~~ redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to allow municipalities to incur indebtedness to rehabilitate, acquire, or redevelop substandard and blighted property.
>
> For
>
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 37:

Abboud Beyer Carsten Chronister Clark
DeCamp Eret Fenger Goll Goodrich

Haberman	Hannibal	Harris	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Landis	Lundy	Marsh
McDonald	Morehead	Newell	Nichol	Pappas
Peterson, H.	Remmers	Rupp	Scofield	Sieck
Wagner	Wesely			

Voting in the negative, 6:

Barrett	Beutler	Lamb	Pirsch	Vickers
Von Minden				

Present and not voting, 1:

Peterson, R.

Excused and not voting, 5:

Chambers	Labedz	Schmit	Warner	Withem

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 255. With Emergency.

A BILL FOR AN ACT relating to postsecondary education; to appropriate funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 24:

Abboud	Barrett	Beutler	Beyer	Chambers
Eret	Fenger	Goll	Goodrich	Harris
Hefner	Higgins	Hoagland	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Lundy	Marsh	McDonald
Newell	Peterson, H.	Sieck	Vickers	

Voting in the negative, 21:

Carsten Chronister Clark DeCamp Haberman
Hannibal Jacobson Johnson, V. Lamb Landis
Morehead Nichol Pappas Peterson, R. Pirsch
Remmers Rupp Scofield Von Minden Wagner
Wesely

Excused and not voting, 4:

Labedz Schmit Warner Withem

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Mr. Kahle requested a roll call vote.

Voting in the affirmative, 23:

Abboud Barrett Beyer Chambers Chronister
Eret Fenger Goll Goodrich Harris
Hefner Higgins Hoagland Johnson, R. Kahle
Kilgarin Lundy Marsh McDonald Newell
Peterson, H. Sieck Vickers

Voting in the negative, 22:

Beutler Carsten Clark DeCamp Haberman
Hannibal Jacobson Johnson, L. Johnson, V. Lamb
Landis Morehead Nichol Pappas Peterson, R.
Pirsch Remmers Rupp Scofield Von Minden
Wagner Wesely

Excused and not voting, 4:

Labedz Schmit Warner Withem

Having failed to receive a constitutional majority voting in the affirmative with the emergency clause stricken, the bill failed to pass.

LEGISLATIVE BILL 372.

A BILL FOR AN ACT relating to community development; to amend sections 44-1213, 77-908, 77-909, and 81-1228, Reissue Revised Statutes of Nebraska, 1943, and sections 58-219, 58-256, 58-270, 77-2715, and 77-2734, Revised Statutes Supplement, 1983; to adopt the Community

Development Assistance Act; to provide tax credits; to redefine a term; to require a report; to authorize certain projects; to provide powers and duties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Mr. Goodrich requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Abboud
Beyer
Chronister
DeCamp
Eret
Fenger
Goodrich
Hannibal
Harris
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Morehead
Peterson, H.
Rupp
Scofield
Sieck
Vickers
Wagner
Wesely
Withem

Voting in the negative, 18:

Barrett
Beutler
Carsten
Chambers
Clark
Goll
Haberman
Jacobson
Johnson, R.
Kahle
Lamb
Newell
Nichol
Pappas
Pirsch
Remmers
Von Minden
Warner

Present and not voting, 1:

Peterson, R.

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 372A to Select File

Mr. DeCamp moved to return LB 372A to Select File for the following amendment:
Strike the enacting clause.

Mr. DeCamp asked unanimous consent to withdraw his motion to return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 372A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 372, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Abboud	Beyer	Eret	Fenger	Goodrich
Hannibal	Harris	Hefner	Higgins	Hoagland
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Pappas	Rupp	Scofield	Sieck	Vickers
Wagner	Wesely	Withem		

Voting in the negative, 20:

Barrett	Beutler	Carsten	Chambers	Chronister
Clark	DeCamp	Goll	Haberman	Jacobson
Johnson, L.	Johnson, R.	Lamb	Nichol	Peterson, H.
Peterson, R.	Pirsch	Remmers	Von Minden	Warner

Excused and not voting, 1:

Schmit

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 416. With Emergency.

A BILL FOR AN ACT relating to public health; to amend sections 71-2017.02, 71-5901, and 71-5902, Reissue Revised Statutes of Nebraska, 1943, and sections 71-6038 and 71-6039, Revised Statutes Supplement, 1983; to state intent; to define and redefine terms; to provide requirements for care staff members; to provide for training as prescribed; to provide powers and duties; to allow certain unlicensed persons to administer medication; to change provisions relating to boarding homes; to provide for inspections; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	McDonald	Morehead	Newell
Nichol	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 3:

Eret	Marsh	Pappas

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 416A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 416, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beyer Carsten Chronister
Clark DeCamp Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Hoagland Jacobson Johnson, L. Johnson, R. Johnson, V.
Kahle Kilgarin Labedz Lamb Landis
Lundy McDonald Morehead Newell Nichol
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 2:

Marsh Pappas

Present and not voting, 3:

Beutler Chambers Eret

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 561 to Select File

Mr. V. Johnson moved to return LB 561 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

The V. Johnson motion to return lost with 18 ayes, 20 nays, and 11 present and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 561.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133, 71-1,135.02, and 71-1,135.04, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to require a report; to provide duties; to provide for evaluations; to change provisions relating to the use of topical ocular pharmaceutical agents; to provide for termination of certain sections; to eliminate a definition; and to repeal the original sections, and also section 71-1,135.01, Reissue Revised Statutes of Nebraska, 1943.

Mr. Clark requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 22:

Barrett	Carsten	Chronister	Clark	DeCamp
Eret	Higgins	Jacobson	Kilgarin	Labedz
Lamb	Landis	McDonald	Morehead	Peterson, H.
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner			

Voting in the negative, 23:

Abboud	Beutler	Beyer	Chambers	Fenger
Goll	Goodrich	Haberman	Hannibal	Hefner
Hoagland	Johnson, R.	Johnson, V.	Kahle	Lundy
Marsh	Newell	Nichol	Pappas	Peterson, R.
Pirsch	Warner	Withem		

Present and not voting, 4:

Harris	Johnson, L.	Scofield	Wesely

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 568.

A BILL FOR AN ACT relating to vocational education; to adopt the Vocational Education Incentive Funding Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Barrett	Beyer	Chambers	Chronister
Eret	Fenger	Goll	Goodrich	Haberman
Hannibal	Harris	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Kahle	Kilgarin
Labedz	Lundy	Marsh	McDonald	Newell
Nichol	Pappas	Peterson, H.	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Wesely				

Voting in the negative, 11:

Beutler	Carsten	Johnson, V.	Lamb	Landis
Morehead	Peterson, R.	Pirsch	Remmers	Warner
Withem				

Present and not voting, 2:

Clark	DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 568A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 568, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Abboud	Barrett	Beyer	Chambers	Chronister
Eret	Goll	Goodrich	Haberman	Hannibal
Harris	Hefner	Higgins	Hoagland	Johnson, R.
Kilgarin	Labedz	Lundy	Marsh	McDonald
Newell	Pappas	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Wesely

Voting in the negative, 16:

Beutler	Carsten	Clark	DeCamp	Johnson, L.

Johnson, V. Kahle Lamb Landis Morehead
Peterson, H. Peterson, R. Pirsch Remmers Warner
Withem

Present and not voting, 3:

Fenger Jacobson Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 1984, at 2:20 p.m., were the following bills and resolution: 962, 671, 714, 724, 724A, 769, 861, 931, 931A, 1019, 820, 908, 976, 976A, 985, 928, 994, 994A, LR 235, LB's 348, 711, 711A, 830, 838, 890, 902, 904, 809, 1078, 970, 970A, and 916.

(Signed) Carrie Lampher, Enrolling Clerk

STANDING COMMITTEE REPORT
Public Health and Welfare

The Committee on Public Health and Welfare desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Dr. Peter R. Kongstvedt - State Board of Health
Linda Mazour - Rural Health Manpower Commission
Dr. Perlita A. Narvaez - Rural Health Manpower Commission

Voting aye: Senators Fenger, R. Peterson, Rupp, Wesely, and Withem.
Absent: Senators Barrett and McDonald.

(Signed) George Fenger, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 645.

A BILL FOR AN ACT relating to educational telecommunications; to amend sections 79-2101 to 79-2107 and 79-2109 to 79-2115, Reissue Revised Statutes of Nebraska, 1943; to expand the scope of educational programming; to define terms; to rename an act; to provide for the transfer of certain funds; to provide rules and regulations; to change provisions relating to a documentary film; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Barrett
Beutler
Beyer
Chronister
DeCamp
Eret
Fenger
Goll
Goodrich
Hannibal
Harris
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 4:

Carsten
Clark
Haberman
Jacobson

Present and not voting, 2:

Chambers
Peterson, R.

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 645A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 645, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud Barrett Beutler Beyer Chronister
DeCamp Eret Fenger Goll Goodrich
Hannibal Harris Hefner Higgins Hoagland
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Pirsch Remmers Rupp Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 3:

Clark Haberman Jacobson

Present and not voting, 3:

Carsten Chambers Peterson, R.

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 667

Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 1716 and AM 2584 found in the Journal on page 1861 to LB 667. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 667.

A BILL FOR AN ACT relating to criminal procedure; to require the cost of incarceration to be paid by certain defendants as prescribed; and to provide for termination of a statute.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Withem				

Voting in the negative, 4:

Chambers	Higgins	McDonald	Newell

Present and not voting, 3:

Clark	Kilgarin	Wesely

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. BEUTLER PRESIDING

LEGISLATIVE BILL 679.

A BILL FOR AN ACT relating to property records; to amend sections 2-3272, 23-1503, 23-1508, 23-1510 to 23-1513, 23-1516, 25-529, 33-131, 76-214, 76-254, 76-257, 76-275, 76-1002, 76-1004, 76-1005, 76-1006, 76-1008, and 76-1011, Reissue Revised Statutes of Nebraska, 1943, and section 23-1506, Revised Statutes Supplement, 1983; to allow registers of deeds to use a computerized system as prescribed; to harmonize provisions; to eliminate certain provisions relating to a tax register of mortgages; to change certain fee provisions; to change a provision relating to transfers in trust of real property; to change provisions relating to the sale of trust property; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Clark
DeCamp

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 751.

A BILL FOR AN ACT relating to the State Employees Retirement System; to amend sections 84-1305, 84-1308, 84-1309, 84-1320, 84-1323, and 84-1331, Reissue Revised Statutes of Nebraska, 1943, and sections 84-1301, 84-1310, 84-1311, 84-1319, 84-1321, and 84-1503, Revised Statutes Supplement, 1983; to define and redefine terms; to change provisions relating to the investment of funds and the general administration of the retirement system; to authorize investment options as prescribed; to provide duties for the Public Employees Retirement Board; to harmonize provisions; and to repeal the original sections and also sections 84-1314 and 84-1329, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Eret Fenger Goll
Haberman Hannibal Harris Hefner Higgins
Hoagland Jacobson Johnson, L. Johnson, R. Johnson, V.
Kahle Kilgarin Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Scofield Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 1:

Goodrich

Present and not voting, 3:

Clark Labedz Sieck

Excused and not voting, 2:

DeCamp Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 751A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 751, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Eret Fenger Goll
Haberman Hannibal Harris Hefner Higgins

Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 1:

Goodrich

Present and not voting, 3:

Clark
Morehead
Sieck

Excused and not voting, 2:

DeCamp
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 761.

A BILL FOR AN ACT relating to public health and welfare; to amend section 33-150, Revised Statutes Supplement, 1982; to adopt the Nebraska Certified Nurse Midwifery Practice Act; to adopt the Occupational Therapy Practice Act; to provide for the certification and practice of nurse midwives; to provide for the licensure of occupational therapists and occupational therapy assistants; to provide fees; to provide penalties; to create a fund; to harmonize provisions; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
DeCamp
Eret
Fenger
Goll
Hannibal
Harris
Hefner
Higgins
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp

Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 1:

Goodrich

Present and not voting, 4:

Chambers Clark Haberman Hoagland

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 761A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 761, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Beyer Carsten
Chronister Eret Fenger Goll Haberman
Hannibal Harris Hefner Higgins Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 1:

Goodrich

Present and not voting, 4:

Chambers Clark DeCamp Hoagland

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 767.

A BILL FOR AN ACT relating to oils and fuels; to amend section 66-428, Reissue Revised Statutes of Nebraska, 1943; to adopt the Petroleum Products Act; to eliminate certain duties; to provide for termination; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud Barrett Beutler Beyer Carsten
Chronister DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Johnson, L. Johnson, R. Johnson, V.
Kahle Kilgarin Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers Clark Jacobson

Excused and not voting, 2:

Labedz Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MISS KILGARIN PRESIDING

LEGISLATIVE BILL 767A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 767, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Chronister
Goll
Hefner
Johnson, V.
Lundy
Nichol
Remmers
Von Minden
Barrett
Clark
Goodrich
Higgins
Kahle
Marsh
Pappas
Rupp
Wagner
Beutler
DeCamp
Haberman
Hoagland
Kilgarin
McDonald
Peterson, H.
Scofield
Warner
Beyer
Eret
Hannibal
Johnson, L.
Lamb
Morehead
Peterson, R.
Sieck
Wesely
Carsten
Fenger
Harris
Johnson, R.
Landis
Newell
Pirsch
Vickers
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Jacobson

Excused and not voting, 2:

Labedz
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 783.

A BILL FOR AN ACT relating to local health departments; to amend sections 71-1629, 71-1629.02, and 71-1632, Reissue Revised Statutes of Nebraska, 1943; to change certain provisions relating to the establishment and management of local health departments; to authorize a tax levy; to change provisions relating to the powers and duties of certain health directors; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill

pass?' "

Voting in the affirmative, 42:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
DeCamp
Eret
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Wagner
Warner
Wesely
Withem

Voting in the negative, 5:

Clark
Fenger
Goll
Jacobson
Von Minden

Excused and not voting, 2:

Labedz
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 800.

A BILL FOR AN ACT relating to corporations; to provide a definition of paid-up capital stock.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Lundy
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0:

Present and not voting, 2:

DeCamp Marsh

Excused and not voting, 2:

Labedz Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 801.

A BILL FOR AN ACT relating to insurance; to amend sections 44-103 and 44-140, Reissue Revised Statutes of Nebraska, 1943, and section 44-114, Revised Statutes Supplement, 1982; to adopt the Insurance Producers Licensing Act; to redefine terms; to harmonize provisions; to eliminate certain licensing provisions and penalties; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 44-327 to 44-335, 44-339 to 44-340, 44-342 to 44-342.02, 44-342.04 to 44-344, and 44-345 to 44-347, Reissue Revised Statutes of Nebraska, 1943, section 44-344.01, Revised Statutes Supplement, 1982, and sections 44-341 and 44-342.03, Revised Statutes Supplement, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Johnson, V. Kahle Kilgarin Lamb Landis
Lundy Marsh McDonald Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Scofield Sieck Vickers
Von Minden Wagner Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Clark DeCamp

Excused and not voting, 2:

Labedz Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 801A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 801, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud Barrett Beyer Carsten Chronister
Eret Fenger Goll Goodrich Haberman
Hannibal Harris Hefner Higgins Hoagland
Jacobson Johnson, L. Johnson, R. Johnson, V. Kahle
Kilgarin Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Scofield Sieck Vickers Von Minden Wagner
Wesely Withem

Voting in the negative, 0.

Present and not voting, 5:

Beutler Chambers Clark DeCamp Warner

Excused and not voting, 2:

Labedz Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 807.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-403, Uniform Commercial Code, as amended by section 10, Legislative Bill 808, Eighty-eighth Legislature, Second Session, 1984, and section 9-414, Uniform Commercial Code, as amended by section 12, Legislative Bill 808, Eighty-eighth Legislature, Second Session, 1984; to change provisions relating to certain filings; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Eret
Fenger
Goll
Goodrich
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Wesely

Voting in the negative, 0.

Present and not voting, 4:

Chambers
DeCamp
Haberman
Warner

Excused and not voting, 3:

Labedz
Schmit
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 825. With Emergency.

A BILL FOR AN ACT relating to vehicles; to amend sections 60-108, 60-320.01, 60-343, 60-1404, 60-1406, 60-1407.01, 60-1411.01, 60-1413, 60-1415 to 60-1417, 60-1419, 60-1429, 60-1430, 60-2303, 60-2304, and 60-2307, Reissue Revised Statutes of Nebraska, 1943, sections 60-320, 60-1411.02, 60-1411.03, and 60-1414, Revised Statutes Supplement, 1982, and sections 60-106, 60-115, 60-118, 60-122 to 60-124, 60-130, 60-1401.02, and 60-1417.01, Revised Statutes Supplement, 1983; to change provisions relating to certificates of title, motor vehicle registration, and the sale of motor vehicles and trailers as prescribed; to change duties; to provide duties; to change fees as prescribed; to define and redefine terms; to change provisions relating to certain inspections, dealer plates, licenses, and permits; to prohibit certain acts; to provide remedies; to provide for succession to certain dealerships; to harmonize provisions; to change penalties; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud Barrett Beyer Carsten Chronister
Clark DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Johnson, V. Kahle Kilgarin Labedz Lamb
Lundy Marsh McDonald Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Scofield Vickers Von Minden
Warner Wesely

Voting in the negative, 2:

Chambers Landis

Present and not voting, 3:

Beutler Sieck Wagner

Excused and not voting, 2:

Schmit Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 825A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 825, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Barrett
Beyer
Carsten
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Vickers
Von Minden
Warner
Wesely

Voting in the negative, 2:

Chambers
Landis

Present and not voting, 3:

Beutler
Sieck
Wagner

Excused and not voting, 2:

Schmit
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MR. NEWELL PRESIDING

LEGISLATIVE BILL 886. With Emergency.

A BILL FOR AN ACT relating to paupers and public assistance; to amend section 68-126, Revised Statutes Supplement, 1982, and sections 68-104 and 68-137 to 68-140, Revised Statutes Supplement, 1983; to modify provisions relating to the administration of medical assistance;

to require counties to establish the standard of need; to require reimbursement as prescribed; to require certain notice; to provide rights; to provide for a right of subrogation; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Jacobson	Johnson, L.	Johnson, R.	Kahle	Kilgarin
Labedz	Lamb	Lundy	Marsh	McDonald
Morehead	Newell	Nichol	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	

Voting in the negative, 7:

Chambers	Fenger	Hoagland	Johnson, V.	Landis
Pappas	Wesely			

Present and not voting, 1:

Harris

Excused and not voting, 2:

Schmit Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 891.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202.06, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1982; to change provisions relating to tax-exempt property; to provide duties; and to repeal the original sections.

Mr. Haberman requested a roll call vote.

Mr. Carsten requested a ruling of the Chair on whether Senator Haberman's request for a roll call vote was appropriate because the vote had been announced.

The Chair ruled that the roll call vote can be taken.

Mr. Carsten challenged the ruling of the Chair. The question is "Shall the Chair be overruled?"

The motion to overrule the Chair prevailed with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

The vote on final passage of LB 891 is as follows:

Voting in the affirmative, 27:

Barrett Beutler Carsten Chambers Clark
DeCamp Fenger Hannibal Harris Hefner
Hoagland Johnson, L. Johnson, V. Kahle Lamb
Landis Lundy Marsh Morehead Nichol
Remmers Scofield Sieck Vickers Von Minden
Warner Wesely

Voting in the negative, 18:

Abboud Beyer Eret Goll Goodrich
Haberman Higgins Jacobson Johnson, R. Labedz
McDonald Newell Pappas Peterson, H. Peterson, R.
Pirsch Rupp Wagner

Present and not voting, 2:

Chronister Kilgarin

Excused and not voting, 2:

Schmit Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 900. With Emergency.

A BILL FOR AN ACT relating to barbering; to amend section 71-204, Revised Statutes Supplement, 1983; to prescribe qualifications for receiving a certificate of registration to practice barbering; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Landis

Excused and not voting, 2:

Schmit
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 932.

A BILL FOR AN ACT relating to budgets; to amend sections 23-923 and 84-304.03, Reissue Revised Statutes of Nebraska, 1943; to authorize a waiver; to require the filing of financial statements; to change requirements for certain budget statements; to provide for minimum standards for certain auditors and persons who conduct audits; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Lamb Landis Lundy Marsh McDonald
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Rupp Scofield Sieck
Vickers Von Minden Wagner Warner Wesely

Voting in the negative, 0.

Present and not voting, 2:

Labedz Morehead

Excused and not voting, 2:

Schmit Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 942.

A BILL FOR AN ACT relating to schools; to amend sections 79-402.06 and 79-701, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain petitions; to change provisions relating to the discontinuance of a Class II school district as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Fenger
Goll Goodrich Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Johnson, V. Kahle Kilgarin Lamb Landis
Lundy Marsh Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers

Rupp Scofield Sieck Vickers Von Minden
Wagner Warner Wesely

Voting in the negative, 2:

Eret Haberman

Present and not voting, 2:

Labedz McDonald

Excused and not voting, 2:

Schmit Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 971.

A BILL FOR AN ACT relating to the school retirement system; to amend section 79-1501, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud Barrett Beutler Beyer Carsten
Chronister Clark DeCamp Eret Fenger
Goll Goodrich Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Johnson, V. Kilgarin Labedz Lamb Landis
Lundy Marsh McDonald Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Scofield Sieck Vickers
Von Minden Wagner Warner Wesely

Voting in the negative, 0.

Present and not voting, 3:

Chambers Haberman Kahle

Excused and not voting, 2:

Schmit Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 973.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-2,111 to 43-2,113, Revised Statutes Supplement, 1982; to change provisions relating to the establishment of separate juvenile courts as prescribed; to provide jurisdiction for certain county courts; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	

Voting in the negative, 0.

Present and not voting, 3:

Chambers Haberman Kahle

Excused and not voting, 2:

Schmit Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1001.

A BILL FOR AN ACT relating to game and parks; to amend section 37-215, Revised Statutes Supplement, 1982; to provide for establishment of special depredation hunting seasons for deer; to provide procedures; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	

Voting in the negative, 2:

Chambers	Morehead

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Schmit	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1001A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1001, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud Barrett Beyer Carsten Chronister
Clark DeCamp Eret Fenger Goll
Goodrich Haberman Hannibal Harris Hefner
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Johnson, V. Kahle Kilgarin Labedz Lamb
Landis Lundy Marsh McDonald Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Scofield Sieck Vickers
Von Minden Wagner Warner Wesely

Voting in the negative, 2:

Chambers Morehead

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Schmit Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1007.

A BILL FOR AN ACT relating to public grain warehouses; to amend sections 88-503 and 88-504, Revised Statutes Supplement, 1983; to change provisions relating to financial responsibility; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh

McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Excused and not voting, 2:

Schmit
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1010.

A BILL FOR AN ACT relating to initiative and referendum; to amend sections 18-2502, 18-2506, 18-2512 to 18-2517, 18-2520 to 18-2522, 18-2524 to 18-2526, 18-2528 to 18-2530, and 18-2535, Revised Statutes Supplement 1982; to define and redefine terms; to change petition and ballot provisions; to provide for declaratory judgments; to provide additional measures which may be submitted to voters; to change notice provisions; to provide for certain special elections; to provide duties; to allow different effective dates for certain initiative measures; to provide exceptions to referendums or limited referendums; to change hearing provisions; to change provisions relating to failure to act on referendum petitions; to change a penalty; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Pirsch

Excused and not voting, 2:

Schmit Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1058.

A BILL FOR AN ACT relating to barge traffic on the Missouri River; to direct the Governor to enter into a compact as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely

Voting in the negative, 0.

Present and not voting, 2:

Beutler Johnson, V.

Excused and not voting, 2:

Schmit Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 1059. With Emergency.

A BILL FOR AN ACT relating to the Missouri River Barge Traffic Compact; to amend Laws 1981, LB 118, section 1; to extend the time for execution of the compact; to repeal original Laws 1981, LB 118, section 1; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Johnson, V.

Excused and not voting, 2:

Schmit	Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1113.

A BILL FOR AN ACT relating to courts; to amend section 24-568, Reissue Revised Statutes of Nebraska, 1943; to provide the district court with jursidiction in certain matters; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Johnson, V.

Excused and not voting, 2:

Schmit
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1117.

A BILL FOR AN ACT relating to business; to adopt the Small Business Development Authority Act; and to provide for severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Abboud
Beyer
Carsten
Chronister
DeCamp
Eret
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Jacobson
Kahle
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.

Rupp
Sieck
Wagner
Wesely

Voting in the negative, 15:

Barrett
Beutler
Chambers
Clark
Fenger
Goll
Johnson, L.
Johnson, R.
Lamb
Peterson, R.
Pirsch
Remmers
Vickers
Von Minden
Warner

Present and not voting, 3:

Hoagland
Johnson, V.
Scofield

Excused and not voting, 2:

Schmit
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1131. With Emergency.

A BILL FOR AN ACT relating to appropriations for the payment of certain claims against the state; to provide how payments shall be made; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Eret
Fenger
Goll
Goodrich
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 1:

Haberman

Present and not voting, 1:

Johnson, V.

Excused and not voting, 3:

DeCamp Schmit Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolution: 1106, 372, 416, 416A, 568, 568A, 645, 645A, 667, 679, 751, 751A, 761, 761A, 767, 767A, 783, 800, 801, 801A, 807, 825, 825A, 886, 891, 900, 932, 942, 971, 973, 1001, 1001A, 1007, 1010, 1058, 1059, 1113, 1117, 1131, and LR 227.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 1984, at 5:10 p.m., were the following bills and resolution: 679, 667, 645, 645A, 568, 568A, 416, 416A, 372, LR 227, LB's 1106, 751, 751A, 761, 761A, 767, 767A, 783, 800, 801, 801A, and 807.

(Signed) Pam Moravec, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 470.

Introduced by Nichol, 48th District.

WHEREAS, as recognized by the resolution passed by the Legislature and the proclamation of recognition written and presented by the Governor, the Wyo-Braska District of the Boy Scouts of America was the Green Seal Award given by the United States Department of Agriculture; and

WHEREAS, the Wyo-Braska District Long's Peak Council of the Boy Scouts of America has participated in numerous conservation and community improvement projects including the construction of a complete park at Scottsbluff, Nebraska; and

WHEREAS, the winning of the Green Seal Award qualified the District for the highest award, the Gold Seal. This award is given to the best of four hundred thirteen Boy Scout Councils in the United States; and

WHEREAS, the Long's Peak Council has been notified that it has won the Gold Seal Award to be presented by John Block, Secretary of Agriculture, at Salt Lake City, Utah, on May 25, 1984.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Wyo-Braska District Long's Peak Council on receiving the Gold Seal Award, the highest national honor in the field of conservation.
2. That two copies of this resolution be forwarded to the Wyo-Braska District Long's Peak Council of the Boy Scouts of America.

Laid over.

VISITORS

Visitors to the Chamber were 11 Girl Scouts and Leader from Lincoln; Michael K-ser, Duncan and Alex from England; forty 4th-5th-6th graders and teacher from Elgin; thirty-two 6th-8th graders and teachers from Fairmont; eleven 8th graders and teahcer from St. Patricks School, McCook; ten members of Bellevue Welcome Wagon Assn.

ADJOURNMENT

At 5:58 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 8:00 a.m., Monday, April 9, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 9, 1984

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE SECOND SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 9, 1984

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, V. Johnson, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2323, line 11, strike "49" and insert "4".
The Journal for the Fifty-Ninth Day was approved as corrected.

MESSAGE FROM THE SECRETARY OF STATE

April 4, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Legislative Resolution 2 has been delivered to my office by Governor Kerrey at 4:35 p.m. on April 3, 1984. Even though the Governor did not sign the Resolution (which he is not required to do), please be advised that as directed in the Resolution I will take all appropriate steps to have the Constitutional Amendment placed on the November Election

Ballot.

Legislative Resolution 2 has been filed in my office and is a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

AJB:mrh

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 1984, at 8:05 a.m., were the following bills: 341, 341A, 825, 825A, 886, 891, 900, 932, 942, 971, 973, 1001, 1001A, 1010, 1058, 1059, 1007, 1113, 1131, and 1117.

(Signed) Pam Moravec, Enrolling Clerk

REPORT

Received annual report from the Nebraska Department of Labor.

MESSAGES FROM THE GOVERNOR

April 5, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 492 and 791 were received in my office on April 2, 1984.

These bills were signed by me on April 5, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 5, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 13, 991, 991A, 993, 286, 286A and 218 were received in my office on March 30, 1984.

These bills were signed by me on April 5, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 6, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 130 was received in my office on April 2, 1984.

This bill was signed by me on April 6, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 5, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I hereby return LBs 38, 38A, 507, 507A, 1056 and 1056A without my signature and with my objections.

As I indicated to you in my last message on LB 1126, I feel strongly that we must adopt a budget consistent with a 3 1/2 percent sales tax rate, a 19 percent income tax rate, and a 5 percent reserve.

The above measures simply do not fit within this budget constraint. I recognize that one of these measures had my original support when I submitted my budget recommendations on the third day of the Legislative session, but at this point even some of our individual priorities must be sacrificed to meet our overall budgetary goals.

I urge you to sustain these vetos.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:jeb

MR. CLARK PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 949. With Emergency.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-126, 9-128, 9-132, 9-134, 9-136 to 9-138, 9-147, 9-148, 9-154, 9-157, 9-159, 9-161, 9-166, and 9-171, Revised Statutes Supplement, 1982, and sections 9-124, 9-125, 9-133, 9-140.01 to 9-140.06, 9-140.09 to 9-145, 9-149, 9-150, 9-153, 9-156, 9-158, 9-160, 9-163, 9-164, 9-165, 9-168, 9-169, 9-170, 9-172 to 9-174, 9-177 to 9-179, 9-181 to 9-196, 28-1101, 28-1113, 28-1115, and 28-1116, Revised Statutes Supplement, 1983; to rename an act; to define and redefine terms; to provide for the regulation of lotteries, bingo, and raffles as prescribed; to change, provide, and eliminate requirements, restrictions, exceptions, powers, and duties; to transfer powers, duties, records, equipment, and funds; to eliminate a commission; to create a committee; to impose a tax; to provide a penalty; to harmonize provisions; to eliminate a definition and certain expense provisions; to provide operative dates; to provide severability; to repeal the original sections, and also section 9-131, Revised Statutes Supplement, 1982, and section 9-180, Revised Statutes Supplement, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill

pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barrett	Beyer	Carsten	Chronister	Clark
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Harris	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Chambers

Excused and not voting, 3:

Abboud	Johnson, V.	Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 229.

A BILL FOR AN ACT relating to libraries; to amend section 51-214, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to money recovered in civil actions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb

Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Excused and not voting, 2:

Abboud Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 457. With Emergency.

A BILL FOR AN ACT relating to the school retirement system; to amend sections 79-1512, 79-1531, 79-1533, and 79-1540, Reissue Revised Statutes of Nebraska, 1943, and section 79-1522.01, Revised Statutes Supplement, 1982; to provide for the transfer and deposit of certain funds; to change certain eligibility, benefit, and annuity provisions; to exclude certain items from budget limitations; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Excused and not voting, 2:

Abboud	Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 457A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 457, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Excused and not voting, 2:

Abboud	Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 470. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-122.01, 71-129, 71-183.01, and 71-185, Reissue Revised Statutes of Nebraska, 1943, and section 71-133, Revised Statutes Supplement, 1982; to change provisions relating to the Board of Examiners in Dentistry; to require continuing education for dentists; to provide standards and inspections for certain practitioners' facilities; to define a term; to eliminate a payment; to change provisions relating to examinations as prescribed; to provide an additional exception to the applicability of a statute; to eliminate a provision terminating the board; to repeal the original sections, and also section 81-197, Revised Statutes Supplement, 1983, as amended by section 44, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Excused and not voting, 2:

Abboud	Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 470A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Excused and not voting, 2:

Abboud	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 471. With Emergency.

A BILL FOR AN ACT relating to collection agencies; to amend sections 81-8,158, 81-8,159, 81-8,162, and 81-8,165 to 81-8,183, Reissue Revised Statutes of Nebraska, 1943; to eliminate the Nebraska Collection Agency Board and to transfer the powers and duties of such board to the Secretary of State; to change a bond requirement; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 81-8,160, 81-8,161, 81-8,163, and 81-8,164, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell

Nichol Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Schmit Scofield Sieck
Vickers Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Hefner

Excused and not voting, 2:

Abboud Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 516. With Emergency.

A BILL FOR AN ACT relating to the State Board of Examiners for Professional Engineers and Architects; to amend sections 81-840 to 81-842 and 81-847 to 81-855, Reissue Revised Statutes of Nebraska, 1943; to reestablish the board; to rename the board; to eliminate certain provisions relating to architects-in-training; to provide for additional membership to the board as prescribed; to change the compensation of certain board members; to change provisions relating to registration and qualifications of applicants; to change fees; to provide for a code of practice; to modify penalties; to change certain business practices of engineers and architects; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barrett Beutler Beyer Carsten Chambers
Chronister Clark DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Higgins Hoagland Jacobson Johnson, L. Johnson, R.
Johnson, V. Kahle Kilgarin Labedz Lamb
Landis Lundy Marsh McDonald Morehead
Newell Nichol Pappas Peterson, H. Peterson, R.

Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Present and not voting, 1:

Hefner

Excused and not voting, 1:

Abboud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 516A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 516, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Present and not voting, 1:

Hefner

Excused and not voting, 1:

Abboud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 553.

A BILL FOR AN ACT relating to investments; to provide intent; to define terms; and to prohibit certain investments as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Beutler
Carsten
Chambers
Eret
Fenger
Goll
Hannibal
Harris
Higgins
Hoagland
Johnson, R.
Johnson, V.
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Pappas
Rupp
Scofield
Vickers
Wagner
Warner
Wesely
Withem

Voting in the negative, 19:

Barrett
Beyer
Chronister
Clark
Goodrich
Haberman
Hefner
Jacobson
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Von Minden

Present and not voting, 1:

DeCamp

Excused and not voting, 1:

Abboud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 660.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1315 and 77-1502, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to assessment rolls; to change provisions relating to protests of certain assessments; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Barrett	Beyer	Carsten	Chambers	Chronister
Clark	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Harris	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler	DeCamp	Peterson, H.

Excused and not voting, 1:

Abboud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 742.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1502 and 81-1531.02, Revised Statutes Supplement, 1983; to define terms; to require recommendations on uranium mining regulatory policies; to prohibit certain methods of uranium mining; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Barrett Beutler Beyer Carsten Chronister
Clark Eret Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Hoagland Jacobson Johnson, L. Johnson, R. Johnson, V.
Kahle Kilgarin Labedz Lamb Landis
Lundy Marsh McDonald Morehead Newell
Nichol Pappas Peterson, H. Peterson, R. Pirsch
Remmers Rupp Schmit Scofield Sieck
Vickers Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers DeCamp

Excused and not voting, 1:

Abboud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 762.

A BILL FOR AN ACT relating to rules of administrative agencies; to amend sections 84-901 and 84-907, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change certain notice requirements; to provide for regulatory analyses of proposed rules as prescribed; to provide requirements for adopted rules; to authorize requests for rule-making proceedings; to require rule-making records; to provide powers and duties; to harmonize provisions; to provide a statute of limitations; to provide for termination of certain statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Barrett Beutler Beyer Chronister Clark
DeCamp Eret Fenger Goll Haberman

Hannibal Hefner Jacobson Johnson, L. Johnson, R.
Johnson, V. Lamb Landis Lundy Marsh
Newell Nichol Pappas Peterson, H. Peterson, R.
Pirsch Remmers Scofield Vickers Von Minden
Wagner Withem

Voting in the negative, 15:

Abboud Carsten Chambers Goodrich Harris
Higgins Hoagland Kahle Kilgarin Labedz
McDonald Morehead Rupp Warner Wesely

Present and not voting, 2:

Schmit Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 764.

A BILL FOR AN ACT relating to postsecondary education; to prohibit certain actions with respect to athletic grants-in-aid; and to provide an insurance program as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Wesely Withem

Voting in the negative, 1:

Warner

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 790.

A BILL FOR AN ACT relating to the Public Service Commission; to provide powers and duties relating to railroad crossings; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Morehead	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 826.

A BILL FOR AN ACT relating to the constitutional officers; to amend section 75-104, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain activities by the Attorney General and certain staff attorneys; to change the salary of public service commissioners; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 829.

A BILL FOR AN ACT relating to labor; to amend section 48-838, Revised Statutes Supplement, 1982; to change provisions relating to collective bargaining as prescribed; to define a term; and to repeal the original section.

Mr. Wesely requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 22:

Abboud
Barrett
Chambers
Eret
Hannibal
Harris
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
McDonald
Newell
Pirsch
Schmit
Scofield
Vickers
Wesely
Withem

Voting in the negative, 25:

Beyer
Carsten
Chronister
DeCamp
Fenger
Goll
Goodrich
Haberman
Hefner
Jacobson

Johnson, R.	Kahle	Lamb	Lundy	Morehead
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Sieck	Von Minden	Wagner	Warner

Present and not voting, 2:

Beutler	Clark

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 832.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend sections 48-816 and 48-817, Revised Statutes Supplement, 1982, and section 48-813, Revised Statutes Supplement, 1983; to change provisions relating to hearings, findings, decisions, and orders as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 832A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 832, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 835.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.01, 77-412, 77-427, 77-1318, 77-1320.04, 77-1320.05, 77-1503.01, 77-1504, 77-1506, 77-1506.02, 77-1719.01, and 77-1735, Reissue Revised Statutes of Nebraska, 1943, section 23-927.01, Revised Statutes Supplement, 1982, and section 77-802, Revised Statutes Supplement, 1983; to change a deadline for property valuations; to change provisions relating to property tax exemptions; to change provisions relating to certain tax penalties; to change certain notice requirements; to authorize an award; to change provisions relating to assessment, apportionment, and equalization of certain taxes; to prohibit the county board of equalization from certain actions; to eliminate certain filing requirements; to eliminate a penalty; to change refund procedures as prescribed; and to repeal the original sections, and also sections 77-1233.01 and 77-1318.02, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Present and not voting, 1:

Beutler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 835A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 835, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield

Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 841.

A BILL FOR AN ACT relating to the State Electrical Division; to amend sections 81-2118 and 81-2135, Revised Statutes Supplement, 1982; to change certain fees; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Nichol Pappas Peterson, H.
Peterson, R. Remmers Rupp Schmit Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 1:

Pirsch

Present and not voting, 1:

Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 845.

A BILL FOR AN ACT relating to proceedings; to amend section 42-360, Reissue Revised Statutes of Nebraska, 1943, sections 25-1012.02, 43-285, and 43-294, Revised Statutes Supplement, 1982, and sections 25-502.01, 25-505.01, 25-821, 25-1011, 42-352, 42-358.02, 42-364.04, 42-364.06, 42-364.13, 43-512.01, and 43-512.02, Revised Statutes Supplement, 1983; to state intent; to define terms; to provide powers and duties; to provide for genetic testing in paternity actions as prescribed; to authorize a setoff against income tax refunds as prescribed; to change provisions relating to civil procedure; to change provisions relating to delinquent support payments; to change provisions relating to court orders for support as prescribed; to change a provision relating to reconciliation; to change a provision relating to a dissolution decree; to provide for standing; to change a provision relating to the duty of certain attorneys to take action; to provide for fees; to eliminate a penalty; to eliminate provisions relating to certain paternity complaint procedures as prescribed; and to repeal the original sections, and also sections 13-113, 13-114, and 13-116, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	McDonald	Morehead
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Wesely	Withem

Voting in the negative, 1:

Warner

Present and not voting, 3:

Chambers	Clark	Newell

A constitutional majority having voted in the affirmative, the bill

was declared passed and the title agreed to.

LEGISLATIVE BILL 845A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 845, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud Barrett Beutler Beyer Carsten
Chronister Eret Fenger Goll Goodrich
Haberman Hannibal Harris Hefner Higgins
Hoagland Jacobson Johnson, L. Johnson, R. Johnson, V.
Kahle Kilgarin Labedz Lamb Landis
Lundy Marsh McDonald Morehead Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Schmit Scofield Sieck Vickers
Von Minden Wagner Wesely Withem

Voting in the negative, 1:

Warner

Present and not voting, 4:

Chambers Clark DeCamp Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 14A.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1111, Reissue Revised Statutes of Nebraska, 1943, section 48-1117, Revised Statutes Supplement, 1982, and section 48-1102, Revised Statutes Supplement, 1983; to define a term; to change provisions relating to lawful employment practices; to provide duties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill

pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Goodrich	Hannibal	Harris	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Rupp	Schmit	Scofield	Sieck	Vickers
Wagner	Warner	Wesely	Withem	

Voting in the negative, 4:

Goll	Haberman	Remmers	Von Minden

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 112.

A BILL FOR AN ACT relating to children; to state intent; to provide for funding of certain maternal and infant care; to establish a program; to provide powers and duties; to create funds; to provide for rules and regulations; to create a committee; and to appropriate funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Beutler	Chambers	Chronister	DeCamp	Eret
Goodrich	Hannibal	Harris	Higgins	Hoagland
Johnson, V.	Kilgarin	Labedz	Landis	Lundy
Marsh	McDonald	Morehead	Newell	Nichol
Pappas	Rupp	Schmit	Scofield	Sieck
Vickers	Wagner	Wesely	Withem	

Voting in the negative, 20:

Abboud	Barrett	Beyer	Carsten	Clark
Fenger	Goll	Haberman	Hefner	Jacobson
Johnson, L.	Johnson, R.	Kahle	Lamb	Peterson, H.
Peterson, R.	Pirsch	Remmers	Von Minden	Warner

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 112A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 112, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Beutler	Beyer	Chambers	Chronister	DeCamp
Eret	Goodrich	Hannibal	Harris	Higgins
Hoagland	Johnson, V.	Kilgarin	Labedz	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Rupp	Schmit	Scofield
Sieck	Vickers	Wagner	Wesely	Withem

Voting in the negative, 18:

Abboud	Barrett	Carsten	Clark	Fenger
Goll	Haberman	Hefner	Johnson, L.	Johnson, R.
Kahle	Lamb	Peterson, H.	Peterson, R.	Pirsch
Remmers	Von Minden	Warner		

Present and not voting, 1:

Jacobson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 848. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Supreme Court; to amend section 24-212, Reissue Revised Statutes of Nebraska, 1943, and section 24-209, Revised Statutes Supplement, 1983; to change provisions relating to publication and dissemination of court opinions; to create a fund; to provide for the transfer of funds; to provide powers and duties; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Harris	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
McDonald	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 848A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 848, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal

Harris	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
McDonald	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 852.

A BILL FOR AN ACT relating to drainage; to require notice prior to certain construction; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Fenger	Goll	Goodrich
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Scofield	Sieck
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 5:

Eret	Haberman	Nichol	Pappas	Vickers

Present and not voting, 4:

Beutler	Chambers	Harris	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 892.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.01, Revised Statutes Supplement, 1983; to set income and sales tax rates; to create a board; to provide for a projection of economic activity; to provide duties; to change provisions relating to the setting of tax rates; to provide operative dates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Harris	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Morehead	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 1:

Newell

Present and not voting, 1:

Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 906.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5830 and 71-5853, Revised Statutes Supplement, 1982; to change provisions relating to issuing certificates of need; to change provisions relating to certificate of need criteria; to provide for severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Barrett
Beyer
Carsten
Chambers
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 1:

Goodrich

Present and not voting, 2:

Beutler
Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 906A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 906, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Barrett
Beyer
Carsten
Chambers
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch

Remmers	Rupp	Schmit	Scofield	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Withem				

Voting in the negative, 1:

Goodrich

Present and not voting, 2:

Beutler	Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 913. With Emergency.

A BILL FOR AN ACT relating to community action agencies; to provide intent; to define terms; to provide duties; to provide for allocation of funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Harris
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	McDonald
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Present and not voting, 1:

Beutler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 915. With Emergency.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1221, Revised Statutes Supplement, 1982; to change provisions relating to wagering; to limit the time for providing certain services; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Barrett
Beyer
Carsten
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Lamb
Landis
Lundy
Marsh
Morehead
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Withem

Voting in the negative, 7:

Chambers
Chronister
Higgins
Kilgarin
Labedz
McDonald
Pappas

Present and not voting, 2:

Beutler
Harris

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 920.

A BILL FOR AN ACT relating to elections; to amend sections 10-702, 19-3019, 19-3051, 23-343.52, 32-221, 32-419, 32-499, 32-4,150, 32-4,153, 32-1306, 32-1308, 32-1309, 53-122, 79-547.01, and 79-605, Reissue Revised Statutes of Nebraska, 1943, and sections 10-703.01, 23-343.125, and 32-4,154, Revised Statutes Supplement, 1982; to adopt the Absentee Voters Act; to permit disabled and confined voters to vote on absentee ballots; to eliminate disabled and confined voters ballots; to change provisions relating to voter registration; to harmonize provisions; to define an offense; to provide penalties; to provide an operative date; and to repeal the original sections, and also sections 32-801, 32-803.01, 32-806, 32-807.01, 32-808, 32-810, 32-813, 32-815.01 to 32-815.05, 32-818, 32-820 to 32-823, and 32-826, Reissue Revised Statutes of Nebraska, 1943, and sections 32-803, 32-812, 32-815, 32-819, and 32-1241, Revised Statutes Supplement, 1982.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Harris
Hefner	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Von Minden	Wagner	Wesely	Withem	

Voting in the negative, 3:

Hannibal	Lamb	Warner

Present and not voting, 1:

Peterson, R.

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Newell asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 975.

A BILL FOR AN ACT relating to elections; to amend sections 14-212 and 79-464, Reissue Revised Statutes of Nebraska, 1943, and sections 19-425, 19-433, and 19-613.01, Revised Statutes Supplement, 1982; to provide for a uniform method of recall for elected officials of certain political subdivisions; to harmonize recall and special election provisions; to eliminate current procedures; and to repeal the original sections, and also sections 14-1033, 19-629 to 19-631, 19-633 to 19-635, 19-637, 70-618, 79-463, 79-547.01, and 79-605, Reissue Revised Statutes of Nebraska, 1943, sections 14-209, 19-424, 19-426, 19-628, 19-636, 19-4201 to 19-4204, 19-4206 to 19-4211, and 23-2010 to 23-2010.10, Revised Statutes Supplement, 1982, and sections 2-3216, 19-632, and 19-4205, Revised Statutes Supplement, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Barrett	Beutler	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	McDonald	Morehead	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Scofield	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 1:

Abboud

Present and not voting, 2:

Chambers Harris

Excused and not voting, 2:

Higgins Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE

Had I been present, I would have voted Aye on LB 920.

(Signed) Marge Higgins

MESSAGES FROM THE GOVERNOR

April 9, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I hereby return LB 568 and LB 568A without my signature and with my objections. LB 568 would provide additional State tax support for vocational education which is not an objectionable notion. However, due to our precarious financial situation, and in light of my broader goals for educational improvement, LB 568 is not a priority measure.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:lbb

April 9, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I hereby return LB 970A with my signature, my objections, and my line item reductions. LB 970 allows for the establishment of Master of Business Administration programs at Kearney, Chadron, and Wayne State Colleges.

My line item reductions to LB 970A strike the funding for the Chadron and Wayne programs. The transfer of the MBA program funding from UNL to Kearney is retained in totality in the bill and represents a net decrease of $33,043 of State General Fund for Fiscal Year 1984-85.

It is my understanding that Kearney State College is prepared to assume responsibility for the current program. Funding in the amount of $24,579 General Fund and $4,950 Cash Fund for Kearney to proceed is provided.

While I endorse the concept of the Kearney MBA program and lean very heavily toward endorsing a similar concept at Chadron and Wayne, more study and planning are necessary. In both cases, more analysis of demand, alternative delivery mechanisms, and costs will be needed before funds are appropriated.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:lbb

April 9, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I return LB 962 without my signature and with the following objections.

While LB 962 contains several worthwhile changes in our revenue laws, the amendment which was added to lapse the interest from the Cash Reserve Fund to the General Fund requires me to veto the bill.

The Cash Reserve Fund was created last year and the temporary 1/2¢ sales tax expired just last week. Thus far, we have kept our commitment to the citizens of a one time-temporary tax for a greater purpose. However, if the Cash Reserve Fund does not accumulate interest it will represent a smaller and smaller safeguard as the budget continues to grow.

I urge you to sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 9, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol

Lincoln, Nebraska 68509

Dear Senators:

I hereby return LB 341 and LB 341A without my signature and with my objections. LB 341 makes significant changes in our school finance mechanisms and links reduced property taxes to increased State tax support.

My overall goal for Nebraska's schools continues to be one of improved quality. Only through enhanced teacher training and improved student performance can we face a changing environment. When we have shown progress towards that goal, we can entertain suggestions about financing and organization. LB 341 is a dramatic and noble effort but it is not timely.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:lbb

April 9, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I am herewith returning LB 1059 without my signature and with my objections.

Last week you passed two similar measures (LB 1058 and LB 1059) authorizing the Governor to enter into a compact with other states relating to planning for use of the Missouri River. I have chosen to sign LB 1058.

My veto, therefore, is based on the decision that, in view of the passage of LB 1058, LB 1059 is redundant to accomplish its intent and purpose.

I urge you to sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:pbv

RESOLUTION

LEGISLATIVE RESOLUTION 471.

Introduced by Judiciary Committee: Beutler, 28th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Chronister, 18th District; Jacobson, 33rd District; R. Johnson, 34th District; Pirsch, 10th District; Von Minden, 17th District.

PURPOSE: The purpose of this study resolution is to carry on the examination of issues surrounding child support and custody, begun by the Judiciary Committee in LR 150.

Specifically, the study shall examine:

1) Whether to adopt an Administrative Procedures Act for collection of child support and, if so, the best program for the State of Nebraska.

2) Whether creating an alternative system for handling the issues surrounding dissolution of marriage is desirable and, if so, which system should be adopted in Nebraska.

3) Whether federal government mandates will require any changes in child support collection laws as they currently exist in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct a study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 930.

A BILL FOR AN ACT relating to schools; to amend section 79-4,102, Revised Statutes Supplement, 1982; to change the computation of nonresident tuition as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Fenger	Goll
Goodrich	Hannibal	Harris	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
McDonald	Morehead	Nichol	Pappas	Peterson, H.
Pirsch	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Wagner	Wesely	Withem

Voting in the negative, 5:

Eret	Haberman	Lamb	Von Minden	Warner

Present and not voting, 2:

Chambers	Peterson, R.

Excused and not voting, 2:

Higgins	Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 930A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 930, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Fenger	Goll	Goodrich	Hannibal
Harris	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Landis	Lundy	Marsh	McDonald	Newell
Nichol	Pappas	Peterson, H.	Pirsch	Remmers
Rupp	Schmit	Scofield	Sieck	Vickers
Wagner	Wesely	Withem		

Voting in the negative, 7:

DeCamp Eret Haberman Lamb Morehead
Von Minden Warner

Present and not voting, 3:

Chambers Clark Peterson, R.

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 936.

A BILL FOR AN ACT relating to the State Energy Office; to amend section 81-1633, Revised Statutes Supplement, 1982, and section 81-1632, Revised Statutes Supplement, 1983; to provide duties; to provide for technical analysis study grants as prescribed; to provide funding for administrative costs; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Hoagland Jacobson Johnson, L.
Johnson, R. Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Lundy Marsh McDonald
Morehead Newell Nichol Pappas Peterson, H.
Pirsch Remmers Rupp Schmit Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Peterson, R.

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 956.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3507, Reissue Revised Statutes of Nebraska, 1943, and section 77-3524, Revised Statutes Supplement, 1983; to change provisions relating to homestead exemptions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud Beutler Beyer Carsten Chambers
Clark DeCamp Eret Fenger Goll
Goodrich Hannibal Harris Hefner Hoagland
Johnson, R. Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Lundy Marsh McDonald
Morehead Newell Pappas Pirsch Rupp
Schmit Sieck Vickers Wagner Wesely
Withem

Voting in the negative, 10:

Barrett Chronister Haberman Johnson, L. Nichol
Peterson, H. Peterson, R. Remmers Von Minden Warner

Present and not voting, 2:

Jacobson Scofield

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 960.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-910, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to create the Eminent Scholars Program; to create a fund; to provide procedures; to provide criteria; to provide powers and duties; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Barrett
Beutler
Chambers
Chronister
Clark
DeCamp
Eret
Fenger
Goll
Harris
Hefner
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
Morehead
Newell
Pappas
Peterson, H.
Peterson, R.
Rupp
Schmit
Scofield
Sieck
Vickers
Von Minden
Wagner
Wesely
Withem

Voting in the negative, 7:

Carsten
Haberman
Hannibal
Nichol
Pirsch
Remmers
Warner

Present and not voting, 3:

Beyer
Goodrich
McDonald

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 981.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-901, 85-902, 85-905, 85-907 to 85-911, 85-913, 85-917, 85-994, and 85-999, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to define terms; to create a system of program review for public postsecondary institutions as prescribed; to change the composition of the Nebraska Coordinating Commission for Postsecondary Education as prescribed; to provide powers and duties; to provide voting restrictions and requirements; to change provisions relating to role and mission statements; to require a study of tuition levels; to change provisions relating to award requirements as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Beutler	Beyer	Chambers	Eret	Fenger
Goll	Goodrich	Hannibal	Harris	Higgins
Hoagland	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Landis	Lundy	Marsh	McDonald
Newell	Nichol	Pappas	Pirsch	Rupp
Schmit	Vickers	Wagner	Withem	

Voting in the negative, 18:

Abboud	Barrett	Carsten	Chronister	DeCamp
Haberman	Hefner	Jacobson	Johnson, L.	Lamb
Morehead	Peterson, H.	Remmers	Scofield	Sieck
Von Minden	Warner	Wesely		

Present and not voting, 2:

Clark	Peterson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 981A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 981, Eighty-eighth Legislature, Second Session, 1984.

Mr. Vickers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Beutler
Beyer
Chambers
Clark
DeCamp
Eret
Fenger
Goll
Goodrich
Hannibal
Harris
Higgins
Hoagland
Johnson, R.
Johnson, V.
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Newell
Nichol
Pappas
Rupp
Schmit
Vickers
Wagner
Wesely
Withem

Voting in the negative, 18:

Abboud
Barrett
Carsten
Chronister
Haberman
Hefner
Jacobson
Johnson, L.
Kahle
Lamb
Morehead
Peterson, H.
Peterson, R.
Remmers
Scofield
Sieck
Von Minden
Warner

Present and not voting, 1:

Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MESSAGES FROM THE GOVERNOR

April 9, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am hereby returning LB 809 without my signature and with my objections.

LB 809 reinstates the general homestead exemption program, a concept that was eliminated last year through LB 396. Although the program will not have a fiscal impact on the state during FY 84-85, the long-term costs are extreme.

I believe that strong arguments can be made for the homestead exemption proposed by LB 809 as property tax relief; however, the state is not in a position to fund the fiscal ramifications created by LB 809.

I urge you to sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:gcv

April 9, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am hereby retruning LB 769 without my signature and with my objections.

LB 769 changes the percent of city sales tax receipts retained by the Department of Revenue from 3% to 1%. Retailers are allowed by law to collect 3% on the first $5,000 remitted each month and 1% of all amounts in excess thereof. If a change is to be made in the amount retained by the Department of Revenue, it should correspond to the provisions for the retailers.

I urge you to sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:gcv

April 9, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I am herewith returning LB 645A without my signature and with my objections.

LB 645A appropriates $3,000 to the Department of Education to promulgate rules and regulations for approving telecommunications courses for credit at the elementary and secondary level. My veto of LB 645A is based on the belief that the Department should be able to absorb the cost from within the agency budget and no additional funds are required for this program.

I urge you to sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:lbb

EXPLANATION OF VOTES

Had I been present, I would have voted aye on Final Reading for the following bills: LB's 949, 229, 457, 457A, 470, 470A, 471, 516, 516A, 553, 660, and 742.

(Signed) Chris Abboud

SPEAKER NICHOL PRESIDING

MOTION - Return LB 983 to Select File

Mr. Beutler moved to return LB 983 to Select File for the following specific amendment:

Namely to strike the enacting clause.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 949, 229, 457, 457A, 470, 470A, 471, 516, 516A, 553, 660, 742, 762, 764, 790, 826, 832, 832A, 835, 835A, 841, 845, 845A, 14A, 112, 112A, 848, 848A, 852, 892, 906, 906A, 913, 915, 920, 975, 930, 930A, 936, 956, 960, 981, and 981A.

MOTION - Return LB 983 to Select File

Mr. Beutler renewed his pending motion to return LB 983 to Select File found in this day's Journal.

Mrs. Labedz, Messrs. Wagner, R. Johnson, and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Beutler asked unanimous consent to withdraw his pending motion to return LB 983. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 983.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-6,179, Revised Statutes Supplement, 1983; to provide for the operation of longer vehicles as prescribed; to provide a penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Beyer
Chronister
Clark
DeCamp
Goll
Hannibal
Harris
Hefner
Jacobson
Johnson, V.
Lamb
Lundy
Marsh
Morehead
Nichol
Peterson, H.
Peterson, R.
Remmers
Rupp
Schmit
Sieck
Vickers
Wagner
Warner
Withem

Voting in the negative, 20:

Abboud
Barrett
Beutler
Chambers
Eret
Fenger
Haberman
Higgins
Hoagland
Johnson, L.
Kilgarin
Labedz
Landis
McDonald
Newell
Pappas
Pirsch
Scofield
Von Minden
Wesely

Present and not voting, 3:

Carsten
Goodrich
Kahle

Excused and not voting, 1:

Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 9, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Glenn, Stephen V. - Lincoln, (Withdrawn 11-10-83) Nebraska State Home Builders Association
Karst, Don R. - St. Paul, MN, (Withdrawn 5-25-83) 3M Company
Milbourn, Steven J. - Grand Island, Grand Island Beauty School
Valentine, Steve - Omaha, (Withdrawn 3-31-84) National Electrical Contractors Association

EXPLANATION OF VOTES

Had I been present, I would have voted aye on LBs 920, 975, 930, 930A, 936, 949, and 956. I would have voted nay on LB 960.

(Signed) Marge Higgins

VISITORS

Visitors to the Chamber were twenty-one 4th graders and teachers from Lincoln Elementary in Omaha; and ten juniors, seniors, and teacher from Ralston High School in Omaha.

RECESS

At 12:14 p.m., on a motion by Mrs. Pirsch, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:50 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Hoagland, V. Johnson, and Schmit who were excused until they arrive.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1060. With Emergency.

A BILL FOR AN ACT relating to ground water; to amend section 46-613.02, Reissue Revised Statutes of Nebraska, 1943, and section 46-613.01, Revised Statutes Supplement, 1983; to provide intent; to change provisions relating to transporting ground water; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Fenger
Goll	Haberman	Hannibal	Harris	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Scofield	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Withem

Voting in the negative, 0.

Present and not voting, 2:

Eret	Goodrich

Excused and not voting, 2:

Johnson, V.	Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1064.

A BILL FOR AN ACT relating to livestock; to provide for liens on livestock as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Haberman	Hannibal	Harris	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
McDonald	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Scofield	Sieck	Von Minden	Wagner	Warner
Withem				

Voting in the negative, 3:

Johnson, R.	Vickers	Wesely

Present and not voting, 2:

Chambers	Goodrich

Excused and not voting, 3:

Beutler	Johnson, V.	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1084. With Emergency.

A BILL FOR AN ACT relating to community development; to amend section 18-2103, Revised Statutes Supplement, 1982, and sections 18-1614, 58-207, and 58-219, Revised Statutes Supplement, 1983; to redefine terms; to define a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud Barrett Beyer Carsten Chambers
Chronister Eret Fenger Goll Haberman
Hannibal Harris Hefner Higgins Hoagland
Jacobson Johnson, L. Johnson, R. Johnson, V. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Peterson, H. Peterson, R. Pirsch Remmers
Rupp Scofield Sieck Vickers Von Minden
Wagner Warner Wesely Withem

Voting in the negative, 2:

Clark DeCamp

Present and not voting, 1:

Goodrich

Excused and not voting, 2:

Beutler Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1089.

A BILL FOR AN ACT relating to motorcycle safety education; to amend sections 60-336, 60-2109, 60-2113, and 60-2118, Revised Statutes Supplement, 1982, and sections 39-2215 and 60-2116, Revised Statutes Supplement, 1983; to change provisions relating to the Motorcycle Safety Education Fund; to change a fee; to change provisions relating to instructor preparation courses; to provide for educational assistance; to provide for reimbursements; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud Barrett Beyer Carsten Chambers
Chronister Clark DeCamp Eret Fenger
Goll Haberman Hannibal Harris Hefner

Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 2:

Goodrich
Withem

Excused and not voting, 2:

Beutler
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1089A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1089, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Barrett
Beyer
Carsten
Chambers
Chronister
Clark
Eret
Fenger
Goll
Haberman
Hannibal
Harris
Hefner
Higgins
Hoagland
Jacobson
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rupp
Scofield
Sieck
Vickers
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 6:

DeCamp Goodrich Pappas Peterson, R. Von Minden
Withem

Excused and not voting, 2:

Beutler Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1105.

A BILL FOR AN ACT relating to real property; to amend sections 31-735, 76-825, 76-838, 76-849, 76-854, 76-857, 76-860, 76-862, 76-863, 76-866, 76-870, 76-874, 76-878 to 76-881, 76-883, 76-884, 76-887, 76-888, 76-890, 76-891, and 76-902, Revised Statutes Supplement, 1983; to rename an act; to change provisions relating to voting rights, relocation of boundaries, amendments, warranties, deeds, leases, meetings, purchasers, powers, duties, liabilities, contracts, public offering statements, resale of units, and violations as prescribed; to harmonize provisions; to eliminate a provision on warranties; and to repeal the original sections, and also section 76-889, Revised Statutes Supplement, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud Barrett Beyer Carsten Chambers
Chronister Clark DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Johnson, R. Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Lundy Marsh McDonald
Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Scofield
Vickers Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler Sieck

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1124.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-377.04, 77-2701, and 77-2733, Reissue Revised Statutes of Nebraska, 1943, and section 77-2716, Revised Statutes Supplement, 1983; to redefine an act; to provide for statutory construction; to provide a tax on corporations as prescribed; to define terms; to provide powers and duties; to harmonize provisions; to provide for severability; to provide an operative date; to repeal the original sections, and also sections 77-2735 to 77-2752, Reissue Revised Statutes of Nebraska, 1943, and section 77-2734, Revised Statutes Supplement, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Beutler
Carsten
Chambers
Fenger
Goll
Goodrich
Hannibal
Harris
Higgins
Hoagland
Johnson, R.
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Lundy
Marsh
McDonald
Morehead
Newell
Nichol
Pirsch
Rupp
Scofield
Sieck
Vickers
Wagner
Warner
Wesely
Withem

Voting in the negative, 17:

Abboud
Barrett
Beyer
Chronister
Clark
DeCamp
Eret
Haberman
Hefner
Jacobson
Johnson, L.
Lamb
Pappas
Peterson, H.
Peterson, R.
Remmers
Von Minden

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill

was declared passed and the title agreed to.

MOTION - Return LB 1125 to Select File

Mr. Lamb moved to return LB 1125 to Select File for the following specific amendment:
Strike enacting clause.

Mr. Lamb asked unanimous consent to withdraw his pending motion to return LB 1125 to Select File. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1125.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-1120.01, 81-1120.02, 81-1120.18, and 81-1120.23, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to create the Telecommunications and Information Center; to provide duties; to create an advisory committee; to define a term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Abboud	Beutler	Beyer	Chambers	Clark
DeCamp	Eret	Goodrich	Harris	Higgins
Hoagland	Jacobson	Johnson, V.	Kilgarin	Labedz
Landis	Marsh	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, H.	Pirsch	Rupp
Scofield	Sieck	Vickers	Wagner	Wesely
Withem				

Voting in the negative, 16:

Barrett	Carsten	Chronister	Fenger	Goll
Haberman	Hannibal	Hefner	Johnson, L.	Johnson, R.
Lamb	Lundy	Peterson, R.	Remmers	Von Minden
Warner				

Present and not voting, 1:

Kahle

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1125A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1125, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Abboud	Beyer	Chambers	Clark	Eret
Goodrich	Harris	Higgins	Hoagland	Johnson, V.
Kilgarin	Labedz	Landis	Marsh	McDonald
Morehead	Newell	Pappas	Peterson, H.	Pirsch
Rupp	Scofield	Sieck	Vickers	Wagner
Wesely	Withem			

Voting in the negative, 18:

Barrett	Carsten	Chronister	DeCamp	Fenger
Goll	Haberman	Hannibal	Hefner	Johnson, L.
Johnson, R.	Kahle	Lamb	Lundy	Peterson, R.
Remmers	Von Minden	Warner		

Present and not voting, 3:

Beutler	Jacobson	Nichol

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 983, 1060, 1064, 1084, 1089, 1089A, 1105, and 1124.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1127. With Emergency.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-1005, 68-1017, and 68-1020, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to assistance to the disabled and medical assistance; to change criminal provisions relating to obtaining assistance; to create offenses relating to the food stamp program; to provide penalties; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister Clark DeCamp Eret
Fenger Goll Goodrich Haberman Hannibal
Harris Hefner Higgins Hoagland Jacobson
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Pirsch Remmers Rupp
Scofield Sieck Vickers Von Minden Wagner
Warner Wesely Withem

Voting in the negative, 0.

Excused and not voting, 1:

Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1127A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1127, Eighty-eighth Legislature, Second Session, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud Barrett Beutler Beyer Carsten
Chambers Chronister DeCamp Eret Fenger
Goll Goodrich Haberman Hannibal Harris
Hefner Higgins Hoagland Jacobson Johnson, L.
Johnson, R. Johnson, V. Kahle Kilgarin Labedz
Lamb Landis Lundy Marsh McDonald
Morehead Newell Nichol Pappas Peterson, H.
Peterson, R. Pirsch Remmers Rupp Scofield
Sieck Vickers Von Minden Wagner Warner
Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Clark

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1125, 1125A, 1127, and 1127A.

MESSAGE FROM THE GOVERNOR

April 9, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

LB 892 was received by me on April 9, 1984 and signed by me this day.

By this action we have set the Income Tax rate at 19% and the Sales Tax rate at 3 1/2%.

I urge you to keep these revenue rates in mind as you consider any override attempts.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 1984, at 2:05 p.m., were the following bills: 949, 229, 457, 457A, 470, 470A, 471, 516, 516A, 553, 660, 742, 762, 764, 790, 826, 832, 832A, 835, 835A, 841, 845, 845A, 14A, 112, 112A, 848, 848A, 852, 892, 906, 906A, 913, 915, 920, 975, 930, 930A, 936, 956, 960, 981, 981A.

(Signed) Pam Moravec, Enrolling Clerk

MR. CLARK PRESIDING

MOTION - Override Veto on LB 466

Mrs. Labedz moved that LB 466 become law notwithstanding the objections of the Governor.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

SPEAKER NICHOL PRESIDING

Mr. V. Johnson requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall LB 466 pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Harris	Hefner	Jacobson
Labedz	Marsh	McDonald	Newell	Nichol
Pappas	Peterson, H.	Remmers	Rupp	Schmit
Scofield	Sieck	Vickers	Wagner	Withem

Voting in the negative, 17:

Beutler	Haberman	Hannibal	Higgins	Hoagland
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Lamb	Landis	Lundy	Morehead	Pirsch
Warner	Wesely			

Present and not voting, 2:

Peterson, R. Von Minden

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 466A

Mrs. Labedz moved that LB 466A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall LB 466A pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Harris	Hefner	Jacobson	Labedz
Marsh	McDonald	Newell	Nichol	Pappas
Peterson, H.	Remmers	Rupp	Schmit	Scofield
Sieck	Vickers	Wagner	Wesely	Withem

Voting in the negative, 16:

Beutler Haberman Hannibal Higgins Hoagland
Johnson, L. Johnson, R. Johnson, V. Kahle Kilgarin
Lamb Landis Lundy Morehead Pirsch
Warner

Present and not voting, 3:

Chambers Peterson, R. Von Minden

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Reconsider Action on LB 1106A

Mr. Clark moved to reconsider our vote on 1106A.

The motion to reconsider prevailed with 30 ayes, 7 nays, and 12 present and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 1106A.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Beutler Beyer Carsten Chronister Clark
DeCamp Goodrich Haberman Hannibal Harris
Hefner Higgins Jacobson Kahle Kilgarin
Labedz Lamb Landis Lundy Marsh
McDonald Morehead Nichol Pappas Peterson, H.
Schmit Sieck Wagner Wesely Withem

Voting in the negative, 14:

Abboud Barrett Eret Fenger Hoagland
Johnson, L. Johnson, R. Johnson, V. Newell Remmers
Rupp Vickers Von Minden Warner

Present and not voting, 5:

Chambers Goll Peterson, R. Pirsch Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Override Veto on LB 38

Messrs. Wagner, Hefner, and L. Johnson moved that LB 38 become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall LB 38 pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Barrett Beyer Carsten Chronister Clark
Eret Fenger Goll Goodrich Haberman
Harris Hefner Jacobson Johnson, L. Johnson, R.
Kahle Lamb Landis Lundy Marsh
Newell Nichol Pappas Peterson, H. Peterson, R.
Remmers Rupp Schmit Scofield Von Minden
Wagner Warner Wesely

Voting in the negative, 1:

DeCamp

Present and not voting, 15:

Abboud Beutler Chambers Hannibal Higgins
Hoagland Johnson, V. Kilgarin Labedz McDonald
Morehead Pirsch Sieck Vickers Withem

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MESSAGE FROM THE GOVERNOR

April 9, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 767, 767A, 825, 825A, 416, 416A, 711, 711A and 1131 were received in my office on April 5, 1984.

These bills were signed by me on April 9, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 471.

LR	**Committee**
471	Judiciary

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 1984, at 3:15 p.m., were the following bills: 983, 1060, 1064, 1084, 1089, 1089A, 1105, 1124, 1125, 1125A, 1127, and 1127A.

(Signed) Jan Loder, Enrolling Clerk

MOTION - Override Veto on LB 38A

Messrs. Wagner, Hefner, and L. Johnson moved that LB 38A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall LB 38A pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 36:

Barrett	Beyer	Carsten	Chronister	Clark
Eret	Fenger	Goll	Goodrich	Haberman
Hannibal	Harris	Hefner	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Newell	Nichol

Pappas Peterson, H. Peterson, R. Remmers Rupp
Schmit Scofield Von Minden Wagner Warner
Wesely

Voting in the negative, 1:

DeCamp

Present and not voting, 12:

Abboud Beutler Chambers Higgins Hoagland
Johnson, V. McDonald Morehead Pirsch Sieck
Vickers Withem

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1056

Messrs. H. Peterson and L. Johnson moved that LB 1056 become law notwithstanding the objections of the Governor.

Mr. H. Peterson requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall LB 1056 pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 28:

Abboud Barrett Beyer Carsten Chronister
DeCamp Eret Fenger Goll Goodrich
Hefner Jacobson Johnson, L. Kahle Lamb
Lundy Morehead Newell Nichol Pappas
Peterson, H. Peterson, R. Remmers Rupp Schmit
Von Minden Wagner Warner

Voting in the negative, 20:

Beutler Chambers Haberman Hannibal Harris
Higgins Hoagland Johnson, R. Johnson, V. Kilgarin
Labedz Landis Marsh McDonald Pirsch
Scofield Sieck Vickers Wesely Withem

Present and not voting, 1:

Clark

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 809

Mr. Newell moved that LB 809 become law notwithstanding the objections of the Governor.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 809 pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Abboud
Beyer
Carsten
Chambers
Chronister
Clark
DeCamp
Eret
Fenger
Haberman
Hannibal
Hefner
Higgins
Jacobson
Kilgarin
Labedz
Marsh
McDonald
Morehead
Newell
Nichol
Pappas
Peterson, H.
Pirsch
Remmers
Rupp
Schmit
Scofield
Vickers
Von Minden
Wagner
Wesely
Withem

Voting in the negative, 16:

Barrett
Beutler
Goll
Goodrich
Harris
Hoagland
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Lamb
Landis
Lundy
Peterson, R.
Sieck
Warner

Not voting, 0.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 341

Mr. Vickers moved that LB 341 become law notwithstanding the objections of the Governor.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Vickers requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall LB 341 pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 21:

Beutler
Beyer
Chronister
DeCamp
Hoagland
Johnson, V.
Kilgarin
Lamb
Lundy
Marsh
McDonald
Newell
Nichol
Pappas
Peterson, H.
Rupp
Schmit
Scofield
Vickers
Wagner
Withem

Voting in the negative, 27:

Abboud
Carsten
Chambers
Clark
Eret
Fenger
Goll
Goodrich
Haberman
Hannibal
Harris
Hefner
Higgins
Jacobson
Johnson, L.
Johnson, R.
Kahle
Labedz
Landis
Morehead
Peterson, R.
Pirsch
Remmers
Sieck
Von Minden
Warner
Wesely

Excused and not voting, 1:

Barrett

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the Call raised.

MOTION - Reconsider Action on LB 561

Mr. Pappas moved to reconsider Final Passage of LB 561.

MR. KAHLE PRESIDING

Speaker Nichol asked unanimous consent to be excused until he

returns. No objections. So ordered.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 31:

Abboud Barrett Beyer Carsten Chronister
Clark DeCamp Eret Fenger Harris
Hefner Higgins Jacobson Johnson, L. Kahle
Kilgarin Labedz Lamb Landis McDonald
Morehead Newell Peterson, H. Remmers Rupp
Schmit Sieck Vickers Von Minden Wagner
Wesely

Voting in the negative, 16:

Beutler Chambers Goll Haberman Hannibal
Hoagland Johnson, R. Johnson, V. Lundy Marsh
Pappas Peterson, R. Pirsch Scofield Warner
Withem

Present and not voting, 1:

Goodrich

Excused and not voting, 1:

Nichol

The motion to reconsider prevailed with 31 ayes, 16 nays, 1 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 561.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Barrett
Beyer
Carsten
Chronister
Clark
DeCamp
Eret
Higgins
Jacobson
Kilgarin
Labedz
Lamb
Landis
McDonald
Morehead
Newell
Peterson, H.
Remmers
Rupp
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely

Voting in the negative, 20:

Abboud
Beutler
Chambers
Fenger
Goll
Haberman
Hannibal
Hefner
Hoagland
Johnson, L.
Johnson, R.
Johnson, V.
Kahle
Lundy
Marsh
Pappas
Peterson, R.
Pirsch
Warner
Withem

Present and not voting, 3:

Goodrich
Harris
Scofield

Excused and not voting, 1:

Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The Chair declared the Call raised.

MOTION - Override Veto on LB 962

Messrs. Warner and Carsten moved to pass LB 962 notwithstanding the objections of the Governor.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Whereupon the President stated: "The question shall be, 'Shall LB 962 pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 38:

Barrett Beutler Beyer Carsten Chambers
Chronister Clark Fenger Goll Hannibal
Harris Hefner Higgins Jacobson Johnson, L.
Johnson, R. Kahle Kilgarin Labedz Lamb
Landis Lundy Marsh Morehead Newell
Pappas Peterson, H. Pirsch Remmers Rupp
Schmit Scofield Sieck Vickers Wagner
Warner Wesely Withem

Voting in the negative, 4:

Abboud DeCamp Goodrich Von Minden

Present and not voting, 5:

Eret Haberman Hoagland Johnson, V. McDonald

Excused and not voting, 2:

Nichol Peterson, R.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

SPEAKER NICHOL PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1106A and 561.

MOTION - Override Veto on LB 970A

Messrs. Von Minden, Hefner, and Ms. Scofield moved that LB 970A become law notwithstanding the objections of the Governor.

Mr. Von Minden moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Von Minden requested a roll call vote on his motion.

Whereupon the President stated: "The question shall be, 'Shall LB 970A pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 23:

Carsten Chronister Clark DeCamp Eret
Goll Goodrich Haberman Hefner Jacobson
Kahle Kilgarin Lundy McDonald Nichol
Peterson, H. Peterson, R. Remmers Schmit Scofield
Vickers Von Minden Wagner

Voting in the negative, 26:

Abboud Barrett Beutler Beyer Chambers
Fenger Hannibal Harris Higgins Hoagland
Johnson, L. Johnson, R. Johnson, V. Labedz Lamb
Landis Marsh Morehead Newell Pappas
Pirsch Rupp Sieck Warner Wesely
Withem

Not voting, 0.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Reconsider Action on LB 829

Mr. Clark moved to reconsider vote on 829.

Mr. Beutler moved to adjourn sine die at 5:50 p.m. The motion lost with 18 ayes, 24 nays, and 7 not voting.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The motion to reconsider prevailed with 30 ayes, 10 nays, and 9 not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 829.

Mr. Wesely requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 24:

Abboud	Barrett	DeCamp	Eret	Hannibal
Harris	Higgins	Hoagland	Johnson, L.	Johnson, V.
Kahle	Kilgarin	Labedz	Landis	Marsh
McDonald	Newell	Pappas	Pirsch	Schmit
Scofield	Vickers	Wesely	Withem	

Voting in the negative, 22:

Beutler	Beyer	Carsten	Chronister	Fenger
Goll	Haberman	Hefner	Jacobson	Johnson, R.
Lamb	Lundy	Morehead	Nichol	Peterson, H.
Peterson, R.	Remmers	Rupp	Sieck	Von Minden
Wagner	Warner			

Present and not voting, 3:

Chambers	Clark	Goodrich

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

The Chair declared the Call raised.

Mr. H. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 769

Messrs. Newell, Pappas, and Miss Kilgarin moved to enact LB 769 notwithstanding the objections of the Governor.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall LB 769 pass?' "

Voting in the affirmative, 23:

Abboud Barrett Beyer Chronister Clark
Fenger Goll Haberman Hannibal Harris
Higgins Jacobson Kilgarin Labedz Lamb
Landis Lundy Newell Pappas Pirsch
Rupp Schmit Wagner

Voting in the negative, 20:

Beutler Carsten Chambers DeCamp Goodrich
Hefner Hoagland Johnson, L. Johnson, R. Johnson, V.
Marsh Morehead Nichol Remmers Scofield
Sieck Vickers Warner Wesely Withem

Present and not voting, 5:

Eret Kahle McDonald Peterson, R. Von Minden

Excused and not voting, 1:

Peterson, H.

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

Mr. Beutler moved to adjourn sine die.

Mr. DeCamp requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 20:

Abboud Beutler Beyer Chambers Fenger
Goll Harris Higgins Hoagland Johnson, L.
Johnson, R. Labedz Lundy McDonald Peterson, R.
Pirsch Rupp Sieck Warner Wesely

Voting in the negative, 27:

Barrett Carsten Chronister Clark DeCamp
Eret Haberman Hannibal Hefner Jacobson
Johnson, V. Kahle Kilgarin Lamb Landis
Marsh Morehead Newell Nichol Pappas
Remmers Schmit Scofield Vickers Von Minden
Wagner Withem

Present and not voting, 1:

Goodrich

Excused and not voting, 1:

Peterson, H.

The Beutler motion lost with 20 ayes, 27 nays, 1 present and not voting, and 1 excused and not voting.

MOTION - Suspend Rules

Mr. Haberman moved to suspend the rules, Rule 4, Section 5 and adopt LRs 251, 456, 457, 459, 460, 461, 462, 463, 464, 466, 467, 469, 470, and 451.

Mr. DeCamp offered the following amendment to the Haberman motion:

Amend the Haberman motion to include LR 468.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Vickers requested a roll call vote on the DeCamp amendment.

Voting in the affirmative, 29:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Fenger	Goll	Haberman
Hefner	Higgins	Jacobson	Johnson, R.	Kahle
Lamb	Lundy	McDonald	Morehead	Newell
Nichol	Pappas	Peterson, R.	Remmers	Schmit
Scofield	Vickers	Von Minden	Wagner	

Voting in the negative, 18:

Beutler	Chambers	Eret	Goodrich	Hannibal
Harris	Hoagland	Johnson, L.	Johnson, V.	Kilgarin
Labedz	Landis	Marsh	Rupp	Sieck
Warner	Wesely	Withem		

Present and not voting, 1:

Pirsch

Excused and not voting, 1:

Peterson, H.

The DeCamp amendment was adopted with 29 ayes, 18 nays, 1 present and not voting, and 1 excused and not voting.

Mrs. Marsh requested a division of the question on the motion to suspend the rules.

The Chair sustained the division of the question.

The question is the suspension of the rules and the adoption of LR 468.

Mr. Wesely moved to adjourn sine die. The motion lost with 12 ayes, 23 nays, and 14 not voting.

Mr. Haberman asked unanimous consent to withdraw his pending motion to suspend the rules. No objections. So ordered.

The Chair declared the Call raised.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 568

Mr. Vickers moved that LB 568 become law notwithstanding the objections of the Governor.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Vickers requested a record vote.

Whereupon the President stated: "The question shall be, 'Shall LB 568 pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 16:

Barrett	Beyer	Chronister	Eret	Goll
Haberman	Hannibal	Hefner	Johnson, L.	Lundy
Marsh	McDonald	Pappas	Rupp	Sieck

Vickers

Voting in the negative, 23:

Abboud Beutler Carsten Fenger Harris
Higgins Hoagland Jacobson Johnson, R. Johnson, V.
Kahle Labedz Lamb Landis Morehead
Newell Nichol Pirsch Remmers Scofield
Warner Wesely Withem

Present and not voting, 8:

Clark DeCamp Goodrich Kilgarin Peterson, R.
Schmit Von Minden Wagner

Excused and not voting, 2:

Chambers Peterson, H.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Request LB 994 be Returned From Governor

Mr. Vickers moved to direct the Clerk to request the Governor to return LB 994 to the Legislature for further consideration.

Mr. Vickers asked unanimous consent to withdraw his pending motion. No objections. So ordered.

MOTION - Suspend Rules on LR 468

Mr. DeCamp moved to suspend Rule 1, Section 16; Rule 4, Sections 2, 6, 7, and 8; Rule 5, Sections 5 and 9; Rule 6, Sections 3, 4, 5, 6, 7, and 8; and Rule 7, Sections 3 and 7 so as to allow the consideration on final passage of LR 468 without amendment or debate.

Mr. Hoagland requested a ruling of the Chair on whether the Constitution requires a resolution proposing a Constitutional amendment to be on Final Reading for one legislative day, pursuant to Article 3, Section 14.

The Chair ruled that a resolution proposing a Constitutional amendment does not need to meet the one-day requirement.

Mr. Hoagland challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The motion to overrule the Chair prevailed with 25 ayes, 16 nays, 6 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules

Mrs. Marsh moved to suspend the rules, Rule 4, Section 5 and adopt LRs 251, 456, 457, 459, 460, 461, 462, 463, 464, 467, 469, 470, and 451.

The motion to suspend the rules prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LRs 251, 456, 457, 459, 460, 461, 462, 463, 464, 467, 469, 470, and 451 were adopted with 37 ayes, 0 nays, and 12 present and not voting.

LEGISLATIVE RESOLUTION 466. Considered.

LR 466 was adopted with 25 ayes, 4 nays, and 20 not voting.

MOTION - Approve Appointments

Mr. Fenger moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 2356: Dr. Peter R. Kongstvedt - State Board of Health; Linda Mazour and Dr. Perlita A. Narvaez - Rural Health Manpower Commission.

Voting in the affirmative, 36:

Abboud Barrett Beutler Beyer Carsten
Clark DeCamp Eret Goll Goodrich
Hefner Higgins Hoagland Jacobson Johnson, L.
Johnson, R. Johnson, V. Kahle Kilgarin Labedz
Landis Lundy Marsh McDonald Newell
Nichol Pappas Pirsch Remmers Rupp
Scofield Sieck Von Minden Wagner Wesely
Withem

Voting in the negative, 0.

Present and not voting, 12:

Chambers Chronister Fenger Haberman Hannibal
Harris Lamb Morehead Peterson, R. Schmit
Vickers Warner

Excused and not voting, 1:

Peterson, H.

The appointments were confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Mr. Lamb moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 2325: Thom K. Cope - Motor Vehicle Licensing Industry; Richard Edward McFayden, Omaha - Motor Vehcile Licensing Industry; Alan Young, Lincoln - Motor Vehicle Licensing Industry.

Voting in the affirmative, 36:

Abboud Barrett Beutler Beyer Carsten
Clark Eret Goodrich Harris Hefner
Higgins Hoagland Johnson, L. Johnson, R. Kahle
Kilgarin Labedz Lamb Landis Lundy
Marsh McDonald Morehead Newell Nichol
Pappas Pirsch Remmers Rupp Scofield
Sieck Von Minden Wagner Warner Wesely
Withem

Voting in the negative, 0.

Present and not voting, 12:

Chambers Chronister DeCamp Fenger Goll
Haberman Hannibal Jacobson Johnson, V. Peterson, R.
Schmit Vickers

Excused and not voting, 1:

Peterson, H.

The appointments were confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

REPORT OF EMPLOYEES

TO: Patrick O'Donnell, Clerk of the Legislature
FROM: Laura Ashelford, Legislative Business Manager
RE: Session Employee Expense

During the month of March, 1984, 155 full and part-time Senators' session employees and temporary session employees were paid a total of $123,991.68. Of this amount, $1,320.46 was overtime.

Detailed information is on file in the Accounting and Budgeting Office.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. R. Peterson asked unanimous consent to have his name added as co-introducer to LB 832. No objections. So ordered.

Mr. R. Peterson asked unanimous consent to have his name added as co-introducer to LR 376. No objections. So ordered.

Mr. Lamb asked unanimous consent to have his name added as co-introducer to LR 420 and LR 422. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Name as Co-Introducer

Mr. DeCamp asked unanimous consent to have his name withdrawn as co-introducer to LR 467. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LR 430 in the Journal. No objections. So ordered.

1. following "schools" in line 9, insert "(2) examine the availability of equal educational opportunities for visual and performing arts, as well as the equal opportunity to obtain the educational opportunities prescribed in sections 1 and 2 of LB 994;"
2. Renumber the remaining numbered items in LR 430.

COMMUNICATION

April 9, 1984

The Honorable Allen Beermann

Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 466, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of LB 466, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Kerrey

CERTIFICATE

Legislative Bill 466, having been returned by the governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 9th day of April, 1984.

(Signed) William Nichol
President of the Legislature

COMMUNICATION

April 9, 1984

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 466A, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of LB 466A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Kerrey

CERTIFICATE

Legislative Bill 466A, having been returned by the governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 9th day of April, 1984.

(Signed) William Nichol
President of the Legislature

COMMUNICATION

April 9, 1984

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 38, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of LB 38, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Kerrey

CERTIFICATE

Legislative Bill 38, having been returned by the governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 9th day of April, 1984.

(Signed) William Nichol
President of the Legislature

COMMUNICATION

April 9, 1984

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 38A, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of LB 38A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Kerrey

CERTIFICATE

Legislative Bill 38A, having been returned by the governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 9th day of April, 1984.

(Signed) William Nichol
President of the Legislature

COMMUNICATION

April 9, 1984

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 809, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of LB 809, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Kerrey

CERTIFICATE

Legislative Bill 809, having been returned by the governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 9th day of April, 1984.

(Signed) William Nichol
President of the Legislature

COMMUNICATION

April 9, 1984

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 962, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of LB 962, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Kerrey

CERTIFICATE

Legislative Bill 962, having been returned by the governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 9th day of April, 1984.

(Signed) William Nichol
President of the Legislature

MOTION - Disposition of Bills

Miss Kilgarin moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed. Further, that the Chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Session Laws and Journals

Mr. McDonald moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf Session Laws and of the permanent Journal and Session Laws.

The motion prevailed.

MOTION - Enrollment and Review Chaiperson

Mr. Lundy moved that we present Rod Johnson with a briefcase, in appreciation of his serving as Chairperson of Enrollment and Review.

The motion prevailed.

Mr. Lundy presented the briefcase to Rod Johnson.

MOTION - Appreciation to Speaker

Mr. Wagner moved that as evidence of our sincere appreciation for our presiding officer, Speaker William E. Nichol be presented a plaque as an emblem of his having served as Speaker of the Legislature.

The motion prevailed.

MOTION - Advise Governor

Mr. Newell moved that a committee of five be appointed to advise the Governor that the Eighty-Eighth Legislature, Second Session of the Nebraska State Legislature is about to complete its work, and to return with any message the Govenror may have for the Legislature.

The motion prevailed.

The Chair appointed Messrs. DeCamp, Newell, Wagner, McDonald, and Miss Kilgarin to serve on said Committee.

The Committee returned and escorted Governor Robert Kerrey to the rostrum where he delivered a message to the members.

The Committee escorted the Governor from the Chamber.

VISITORS

Visitors to the Chamber were Dr. Bill Nolan and Mrs. Marina Swoboda from Omaha; 33 students and teachers from Leigh; 25 sixth grade students and teacher from Merle Beattie, Lincoln; and 25 members of the American Legion.

MOTION - Sine Die

Mr. Clark moved that the Journal for the Sixtieth Day, as prepared by the Clerk, be approved and that the Eighty-Eighth Legislature, Second Session of the Legislature having finished all business before it, now at 8:19 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

CORRECTIONS FOR THE JOURNAL

Page 2463, line 20, strike "467" and insert "462".
The Journal for the Sixtieth Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 1984, at 8:43 a.m., were the following bills: 561 and 1106A.

(Signed) Jan Loder, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

April 9, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 908 was received in my office on April 5, 1984.

This bill was signed by me on April 9, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 9, 1984

Secretary of State
State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

Under our Constitution, the Governor is not a part of the process wherein the Legislature votes to propose a constitutional amendment. It therefore will be my policy not to take any action on constitutional amendments which reach my desk.

In line with this policy, I herewith forward LR 227 and LR 235 to you without my signature.

Sincerely,
(Signed) ROBERT KERREY
Governor

MESSAGE FROM THE SECRETARY OF STATE

April 9, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 809, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 9, 1984. A copy of the Governor's veto message dated April 9, 1984 is attached to L.B. 809 and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

> "Legislative Bill 809, having been returned by the Governor with his objections thereto, and after reconsideration having passed the legislature by the Constitutional majority, it has become law this 9th day of April, 1984."

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska

Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 809, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 9, 1984 at 6:11 p.m. A copy of the Governor's veto message dated April 9, 1984 is attached to L.B. 809 and is likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

Legislative Bill 809, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 9th day of April, 1984.

Finally, I hereby certify that all of these documents have been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this ninth day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 9, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 38, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 9, 1984. A copy of the Governor's veto message dated April 5, 1984 is attached to L.B. 38 and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

> "Legislative Bill 38, having been returned by the Governor with his objections thereto, and after reconsideration having passed the legislature by the Constitutional majority, it has become law this 9th day of April, 1984."

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 38, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 9, 1984. A copy of the Governor's veto message dated April 5, 1984 is attached to L.B. 38 and is likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

Legislative Bill 38, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 9th day of April, 1984.

Finally, I hereby certify that all of these documents have been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this ninth day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL)
Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 9, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 38A, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 9, 1984.

In addition, I hereby acknowledge receipt of your cover letter dated April 9 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

> "Legislative Bill 38A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the legislature by the Constitutional majority, it has become law this 9th day of April, 1984."

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 38A, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 9, 1984 at 6:13 p.m.

In addition, I hereby certify that I received a cover letter dated April 9 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

Legislative Bill 38A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 9th day of April, 1984.

Finally, I hereby certify that all of these documents have been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this ninth day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 9, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 466, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 9, 1984. A copy of the Governor's veto message dated March 27, 1984 is attached to L.B. 466 and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

> "Legislative Bill 466, having been returned by the Governor with his objections thereto, and after reconsideration having passed the legislature by the Constitutional majority, it has become law this 9th day of April, 1984."

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska

Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 466, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 9, 1984. A copy of the Governor's veto message dated March 27, 1984 is attached to L.B. 466 and is likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

Legislative Bill 466, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 9th day of April, 1984.

Finally, I hereby certify that all of these documents have been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this ninth day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 9, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 466A, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 9, 1984.

In addition, I hereby acknowledge receipt of your cover letter dated April 9 and a certificate signed by William E. Nichol, President of the

Legislature, the contents of which are as follows:

> "Legislative Bill 466A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the legislature by the Constitutional majority, it has become law this 9th day of April, 1984."

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 466A, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 9, 1984 at 6:12 p.m.

In addition, I hereby certify that I received a cover letter dated April 9 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

Legislative Bill 466A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 9th day of April, 1984.

Finally, I hereby certify that all of these documents have been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this ninth day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 9, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 962, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 9, 1984. A copy of the Governor's veto message dated April 9, 1984 is attached to L.B. 962 and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

> "Legislative Bill 962, having been returned by the Governor with his objections thereto, and after reconsideration having passed the legislature by the Constitutional majority, it has become law this 9th day of April, 1984."

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 962, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 9, 1984. A copy of the Governor's veto message dated April 9, 1984 is attached to L.B. 962 and is likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

Legislative Bill 962, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 9th day of April, 1984.

Finally, I hereby certify that all of these documents have been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this ninth day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

COMMUNICATION

April 10, 1984

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Kerrey on LB 970A, I am delivering the bill for filing, in the form and amounts as approved by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Robert Kerrey

MESSAGES FROM THE GOVERNOR

April 10, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 553 and 1125 were received in my office on April 9, 1984.

These bills were signed by me on April 10, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 10, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 886, 891, 900, 932, 942, 971, 973, 1001, 1001A, 1010, 1058, 1007, 1113 and 1117 were received in my office on April 6, 1984.

These bills were signed by me on April 10, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 10, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 671, 714, 724, 724A, 861, 890, 1078, 372, 761, 761A, 931, 931A, 1019, 820, 976, 976A, 902, 904, 970, 1106, 783, 985, 928, 830, 916, 679, 667, 751, 751A, 800, 994, 348, 838, 645, 801, 801A and 807 were received in my office on April 5, 1984.

These bills were signed by me on April 10, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

COMMUNICATION

April 11, 1984

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Kerrey on LB 1126, I am delivering the bill for filing, in the form and amounts as approved by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Robert Kerrey

MESSAGES FROM THE GOVERNOR

April 11, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 229, 516, 516A, 660, 764, 790, 841, 826, 848, 848A, 920, 975, 1084, 1105, 1124, 471, 742, 936 and 949 were received in my office on April 9, 1984.

These bills were signed by me on April 11, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 11, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I hereby return LB 994A with my signature, my objections, and my line item reductions. LB 994 presents a program for substantial improvements in Nebraska's public education system.

My line item reductions leave $400,000 to enable the Department of Education to implement all the improvements in teacher qualifications, adequate learning time, curriculum standards, and graduation requirements.

In addition, that appropriation will allow the Department to make all necessary preparations for full implementation of the innovative programs and staff development support next fiscal year.

I remain fully committed to excellence in education in Nebraska's schools, including higher teacher salaries, and will work with you to ensure that we make substantial strikes to that end once again next year.

Sincerely,
(Signed) ROBERT KERREY
Governor

MESSAGES FROM THE SECRETARY OF STATE

April 11, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

I have received your letter dated April 11 with reference to L.B. 1126. Attached to your letter was L.B. 1126, along with a copy of the Governor's letter dated April 2, 1984 setting forth specific line-item veto reductions.

As indicated in your cover letter, L.B. 1126 was signed by the Governor with certain line-item veto reductions. I have noted also that, inasmuch as the Legislature did not override the line-item veto, the bill was delivered to my office for filing in the form and amounts as approved by the Governor.

Please be advised that the bill has been filed in my office on this date at 11:20 a.m.

Finally, I respectfully request that a copy of this letter be placed in the Legislative Journal.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Attachment

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received a letter from the Clerk dated April 11, 1984 with reference to L.B. 1126, along with a copy of the Governor's letter dated April 2, 1984 setting forth specific line-item veto reductions.

Further, I certify, as indicated in the cover letter, that L.B. 1126 was signed by the Governor with certain line-item veto reductions.

I also certify that, inasmuch as the Legislature did not override the line-item veto, the bill was delivered to my office for filing in the form and amounts as approved by the Governor.

Further, I hereby certify that the bill was filed in my office on April 11 at 11:20 a.m.

Finally, I hereby request a copy of this certificate be placed in the Legislative Journal.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this eleventh day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGES FROM THE SECRETARY OF STATE

April 11, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

I have received your letter dated April 10, 1984 with reference to L.B. 970A. Attached to your letter was L.B. 970A, along with a copy of the Governor's letter dated April 9, 1984 setting forth specific line-item veto reductions.

As indicated in your cover letter, L.B. 970A was signed by the Governor with certain line-item veto reductions. I have noted also that, inasmuch as the Legislature did not override the line-item veto, the bill was delivered to my office for filing in the form and amounts as approved by the Governor.

Please be advised that the bill has been filed in my office on this date at 11:21 a.m.

Finally, I respectfully request that a copy of this letter be placed in the Legislative Journal.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Attachment

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received a letter from the Clerk dated April 10, 1984 with reference to L.B. 970A, along with a copy of the Governor's letter dated April 9, 1984 setting forth specific line-item veto reductions.

Further, I certify, as indicated in the cover letter, that L.B. 970A was signed by the Governor with certain line-item veto reductions.

I also certify that, inasmuch as the Legislature did not override the line-item veto, the bill was delivered to my office for filing in the form and amounts as approved by the Governor.

Further, I hereby certify that the bill was filed in my office on April 11 at 11:21 a.m.

Finally, I hereby request a copy of this certificate be placed in the Legislative Journal.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this eleventh day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGES FROM THE GOVERNOR

April 12, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1089, 1089A, 930, 930A, 845, 845A, 835, 835A, 832, 832A, 470, 470A, 457, 457A, 14A, 1060, 1127, 1127A, 1125A, 1064, 906 and 906A were received in my office on April 9, 1984.

These bills were signed by me on April 12, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 12, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol Building

Lincoln, Nebraska 68509;

Dear Mr. President and Senators:

I am herewith returning LB 112 and LB 112A without my signature and with my objections.

LB 112 creates a statewide program of support and services, including prenatal educational programs for financially eligible high-risk pregnant women. While I do not disagree with the concept of this bill, the financial commitments made by the state thus far make the timing for this additional commitment inopportune.

It is my hope that the State of Nebraska could provide preventive services for infants and pregnant women from existing program resources.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:pbv

April 12, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509;

Dear Mr. President and Senators:

I am returning LB 1106A with my signature but with specific line-item reductions.

The net effect of these reductions is to provide $1,500,000 in addition to that provided by LB 1128 for the Resources Development Fund, $500,000 for the Water Management Fund, and $40,883 for administration of the Water Management Fund.

The monies in LB 1106A and in LB 1128 for the Resources Development Fund will provide:

1) $1.9 million that the Natural Resources Commission feels is necessary for those projects that are approved or near approval in 1984-85; and
2) $1.0 million for additional water projects or for groundwater management plans to be prepared by the Natural Resources Districts as mandated by LB 1106.

The $500,000 for the Water Management Fund in LB 1106A will provide monies for feasibility studies or construction of projects over $10,000,000 as approved by the Water Management Board. The

$40,883 will allow the hiring of a staff member by the Natural Resources Commission to manage the Water Management Board activities as provided in LB 1106.

The total sum available for water projects in FY 1984-85, as a result of LB 1106A and LB 1128, is $3,351,800. This is less than I hoped would be available for water management, which is a top priority for me and the vast majority of Nebraskans. Unfortunately, this was not possible given the other expenditures made by the Legislature this year.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:bkc

April 12, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am herewith returning LB 762 without my signature and with my objections.

LB 762 revamps the Nebraska Administrative Procedures Act relating to the formulation, promulgation, and adoption of administrative rules and regulations. While the intent of this bill is not without merit, the requirements set out under LB 762 would not only be burdensome and expensive for state agencies, but will slow down the rule adoption process unnecessarily and may encourage undue growth in law suits involving state agencies.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:pbv

COMMUNICATIONS

April 13, 1984

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300

State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Kerrey on LB 981A, I am delivering the bill for filing, in the form and amounts as approved by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Robert Kerrey

April 13, 1984

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Kerrey on LB 1106A, I am delivering the bill for filing, in the form and amounts as approved by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Robert Kerrey

MESSAGES FROM THE GOVERNOR

April 13, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 913 without my signature. This bill requires the Director of Social Services to allocate 92% of the Community Services Block Grant funds Nebraska receives to community action agencies. This is an unwise intrusion into the Executive's responsibilities and should not be placed permanently in the statutes.

The purpose of the federal block grants was to increase State discretion in the use of federal funds. LB 913 reduces our flexibility, and commits our administrators to an allocation scheme that cannot be quickly modified in response to federal budgetary maneuvers. Also, LB 913 requires the State to support non-public entities which should be selected only through competitive procedures.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:pmb

April 13, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I hereby return LB 960 without my signature and with my objection.

LB 960 establishes a program which attempts to attract quality educators and renowed scholars to the State Colleges and the University. While I commend Senator Landis in pursuing this worthy idea, I find no guarantee in the wording of the bill which requires the institutions to seek new private funds to support the program. A significantly large General Fund commitment could be required if the University and State Colleges used existing private funds which have been contributed to support endowed chairs and similar programs for the required 2/3 match. Without the clear mandate to seek new private funds, less than the desired impact of substantially increased funding would be realized.

In addition, I feel the decision to fund a program of this nature should receive careful consideration as a part of studies to be undertaken this summer concerning postsecondary education programs.

Sincerely,

(Signed) ROBERT KERREY
Governor

RK:lbb

April 13, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning herewith LB 852 without my signature and with my objections.

LB 852 purports to address a serious problem in Nebraska, that of damage to agricultural and business property as a result of drainage by another landowner. However, the bill as amended on the Legislative floor provides no workable solution to the problem, and may in fact engender a false sense of security for some.

I would recommend that affected parties, including agricultural interests, natural resources districts, and municipalities, work during the interim to develop a practical solution to be pursued in the 1985 session.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:rav

April 13, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 981A with my signature but with a line item reduction.

Program review is a most worthwhile concept and one in which the Postsecondary Education Coordinating Commission should certainly be involved. Given the mechanism described in the bill, the major responsibilities for this task are assumed by the institutions and the governing boards, and the role of the Commission is one of coordination and synthesis. This role can and should be accomplished by existing staff.

Likewise, tuition rate studies conducted biennially and planning for the as-yet unfunded Nebraska State Scholarship program are functions which can be accomplished by the current staff.

I am therefore vetoing the funding back from $49,647 to $15,500. This amount should be sufficient to cover additional computer programming and operating expenses and allow for the purchase of comparative tuition information from the National Center for Higher Education.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:jdb

April 13, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 561 without my signature and with my objections.

LB 561 would extend the scope of practice of optometrists and optometrics into the area of therapeutic treatment of eye disease, and eye disorder without the necessary and proper supervision of qualified personnel.

LB 561 would allow persons with limited, or nonexistent clinical experience, the authority to diagnose, and treat any abnormal condition of the human eye or lid.

While LB 561 received 25 votes, there was a clear lack of consensus on the merits of safely extending the scope of practice to optometrists for the therapeutic treatment of eye disease or eye disorders.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:lk

April 13, 1984

Mr. Patrick J. O'Donnell

Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 915 was received in my office on April 9, 1984.

This bill was signed by me on April 13, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 13, 1984

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 981, 956 and 983 were received in my office on April 9, 1984.

These bills were signed by me on April 13, 1984 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

MESSAGE FROM THE SECRETARY OF STATE

April 13, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to acknowledge receipt of your letter dated April 12, along with L.B. 994A. In addition, there was attached a letter dated April 11, signed by Governor Robert Kerrey addressed to the President, Speaker and Members of the Legislature, indicating that the Governor had returned L.B. 994A with his signature, his objections and line-item veto reductions.

Please be advised that your cover letter dated April 12, the Governor's letter dated April 11 and Engrossed Legislative Bill 994A was filed in this office on April 12, 1984 at 1:55 p.m. and shall become law in the form and amounts as approved by the Legislature.

Further, I hereby acknowledge for the record that the Legislature, having adjourned on April 9, 1984, did not override the line-item veto reduction by the Governor.

Finally, I hereby attest that the cover letter, the Governor's line-item veto message and L.B. 994A have been filed and are a matter of public record in the office of Secretary of State.

Respectfully acknowledged,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received a letter from the Clerk dated April 12, with reference to L.B. 994A, along with a letter dated April 11, signed by Governor Kerrey addressed to the President, Speaker and Members of the Legislature, setting forth his objections and line-item veto reductions.

Further, I certify, as indicated in the cover letter, that L.B. 994A was signed by the Governor with his objections and line-item veto reductions.

I also certify that the Legislature, having adjourned on April 9, 1984, did not override the line-item veto reduction by the Governor.

Further, I hereby certify that the bill was filed in my office on April 12 at 1:55 p.m.

Finally, I hereby request a copy of this certificate be placed in the Legislative Journal.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this thirteenth day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 16, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to acknowledge receipt of your letter dated April 13, 1984, along with L.B. 1106A. In addition, there was attached a letter dated April 12, signed by Governor Kerrey addressed to the President, Speaker and Members of the Legislature, indicating that the Governor had returned L.B. 1106A with his signature, his objections and line-item veto reductions.

Please be advised that your cover letter dated April 13 and Engrossed Legislative Bill 1106A was filed in this office on April 13, 1984 at 4:13 p.m. and shall become law in the form and amounts as approved by the Legislature.

Further, I hereby acknowledge for the record that the Legislature, having adjourned on April 9, 1984, did not override the line-item veto reductions by the Governor.

Finally, I hereby attest that the cover letter, the Governor's line-item veto message and L.B. 1106A have been filed and are a matter of public record in the office of Secretary of State.

Respectfully acknowledged,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received a letter from the Clerk dated April 13, with reference to L.B. 1106A, along with a letter dated April 12, signed by Governor Kerrey addressed to the President, Speaker and Members of the Legislature, setting forth his objections and line-item veto reductions.

Further, I certify, as indicated in the cover letter, that L.B. 1106A was signed by the Governor with his objections and line-item veto reductions.

I also certify that the Legislature, having adjourned on April 9, 1984, did not override the line-item veto reduction by the Governor.

Further, I hereby certify that the bill was filed in my office on April 13 at 4:13 p.m.

Finally, I hereby request a copy of this certificate be placed in the Legislative Journal.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this sixteenth day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 16, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to acknowledge receipt of your letter dated April 13, 1984, along with L.B. 981A. In addition, there was attached a letter dated April 13, signed by Governor Kerrey addressed to the President, Speaker and Members of the Legislature, indicating that the Governor had returned L.B. 981A with his signature, his objections and line-item veto reductions.

Please be advised that your cover letter dated April 13, the Governor's letter dated April 13 and Engrossed Legislative Bill 981A was filed in this office on April 13, 1984 at 4:12 p.m. and shall become law in the form and amounts as approved by the Legislature.

Further, I hereby acknowledge for the record that the Legislature, having adjourned on April 9, 1984, did not override the line-item veto reduction by the Governor.

Finally, I hereby attest that the cover letter, the Governor's line-item veto message and L.B. 981A have been filed and are a matter of public record in the office of Secretary of State.

Respectfully acknowledged,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received a letter from the Clerk dated April 13, with reference to L.B. 981A, along with a letter dated April 13, signed by Governor Kerrey addressed to the President, Speaker and Members of the Legislature, setting forth his objections and line-item veto reductions.

Further, I certify, as indicated in the cover letter, that L.B. 981A was signed by the Governor with his objections and line-item veto reductions.

I also certify that the Legislature, having adjourned on April 9, 1984, did not override the line-item veto reduction by the Governor.

Further, I hereby certify that the bill was filed in my office on April 13 at 4:12 p.m.

Finally, I hereby request a copy of this certificate be placed in the Legislative Journal.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this sixteenth day of April in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Eighty-Eighth Legislature, Second Session and other correspondence.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

April 18, 1984
Lincoln, Nebraska

2498

INDEXES FOR LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE

SECOND SESSION
1984

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

CHRONOLOGY OF BILLS

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION
1984

LEGISLATIVE BILL 5. By Haberman

Jan.	4	1	Title	3
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 9. By Kahle

Jan.	4	1	Title	3
Jan.	6	3	Vickers amendment adopted. Advanced for Review	244
Jan.	10	5	Placed on Select File - AM5173	327
Jan.	16	8	AM5173 (E and R) adopted. Advanced for Engrossment	422
Jan.	16	8	DeCamp amendment #0618 printed	424
Jan.	23	13	Correctly Engrossed	535
Feb.	2	19	DeCamp pending amendment #0618 withdrawn. Final Reading 41-0-8	717
Feb.	2	19	President signed	725
Feb.	2	19	Presented to Governor	730
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 13. By Kilgarin, Beutler

Jan.	4	1	Title	3
Jan.	5	2	Kilgarin-Beutler amendment #1586 printed	193
Jan.	11	6	Kilgarin-Beutler pending amendments p. 421 and #1555 p. 2459, First Session, withdrawn. Committee amendment #1231 adopted as amended by Kilgarin-Beutler amendment #1586 p. 193	357
Jan.	11	6	Haberman motion to indefinitely postpone lost. Advanced for Review	358
Jan.	20	12	Placed on Select File - AM5201	518
Feb.	13	26	Kilgarin-Beutler amendment #1943 printed	907
Feb.	14	27	DeCamp amendments #2004 and #1997 to amendment #1586 printed	943
Feb.	16	29	AM5201 (E and R) adopted. Beutler-Kilgarin pending amendment #1943	

		adopted. Advanced for Engrossment	995
Mar. 1	37	Correctly Engrossed. ER0167 change	1222
Mar. 30	56	DeCamp pending amendments #1997 and #2004 p. 943 withdrawn. Final Reading 32-14-3	2141
Mar. 30	56	Speaker signed	2151
Mar. 30	56	Presented to Governor	2162
Apr. 9	60	Approved by Governor (4-5)	2389

LEGISLATIVE BILL 13A. By Kilgarin, Beutler

Jan. 10	5	Read first time. Placed on General File	343
Jan. 20	12	Kilgarin amendment #1699 printed	510
Feb. 16	29	Kilgarin pending amendment #1699 adopted. Advanced for Review	995
Feb. 24	33	Placed on Select File - AM5298	1112
Mar. 15	47	AM5298 (E and R) adopted. Advanced for Engrossment	1650
Mar. 23	51	Correctly Engrossed	1839
Mar. 30	56	Passed over	2142
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 14. By Kilgarin

Jan. 4	1	Title	3
Jan. 6	3	Kilgarin amendment adopted. Advanced for Review	248
Jan. 9	4	McDonald name added	305
Jan. 10	5	Placed on Select File - AM5175	327
Jan. 17	9	AM5175 (E and R) adopted. Beutler amendment #1634 adopted. Passed over	447
Jan. 31	17	Von Minden amendment lost. Von Minden amendment adopted. Advanced for Engrossment	640
Feb. 2	19	Correctly Engrossed. ER0155 change	716
Mar. 30	56	Failed on Final Reading 24-23-2	2142

LEGISLATIVE BILL 14A. By Kilgarin

Jan. 31	17	Read first time. Placed on General File	664
Feb. 23	32	Advanced for Review	1084
Feb. 27	34	Placed on Select File	1138
Mar. 2	38	Advanced for Engrossment	1268
Mar. 9	43	Correctly Engrossed	1504
Apr. 3	58	Returned to Select File for V. Johnson amendment. V. Johnson amendment #2713	

			adopted. Advanced for Re-Engrossment	2253
Apr.	3	58	Correctly Re-Engrossed	2280
Apr.	9	60	Final Reading 44-4-1	2409
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 25. By Warner

Jan.	4	1	Title	4
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 38. By Wagner, Hefner, Wesely, Chronister, Von Minden

Jan.	4	1	Title	4
Jan.	9	4	Wagner amendment printed	321
Jan.	10	5	Committee amendment #0911 adopted. Wagner pending amendment p. 321 adopted. Advanced for Review	347
Jan.	11	6	L. Johnson name added	355
Jan.	17	9	Placed on Select File - AM5198	433
Jan.	19	11	AM5198 (E and R) adopted. Advanced for Engrossment	490
Jan.	25	15	Correctly Engrossed	573
Mar.	30	56	Final Reading 41-2-6	2143
Mar.	30	56	Speaker signed	2151
Mar.	30	56	Presented to Governor	2162
Apr.	9	60	Returned by Governor without approval	2390
Apr.	9	60	Wagner-Hefner-L. Johnson motion to override veto prevailed 33-1-15	2447
Apr.	9	60	Communication and Certificate	2465
Apr.	18	AJ	Message from Secretary of State	2472
Apr.	18	AJ	Certificate	2473

LEGISLATIVE BILL 38A. By Wagner

Jan.	9	4	Read first time. Placed on General File	293
Jan.	19	11	Advanced for Review	484
Jan.	24	14	Placed on Select File	556
Jan.	31	17	Advanced for Engrossment	665
Feb.	2	19	Correctly Engrossed	716
Mar.	30	56	Final Reading 42-0-7	2144
Mar.	30	56	Speaker signed	2151
Mar.	30	56	Presented to Governor	2162
Apr.	9	60	Returned by Governor without approval	2390

Apr.	9	60	Wagner-Hefner-L. Johnson motion to override veto prevailed 36-1-12	2448
Apr.	9	60	Communication and Certificate	2466
Apr.	18	AJ	Message from Secretary of State. Certificate	2474

LEGISLATIVE BILL 47. By Carsten, Hefner, Newell, V. Johnson, Wagner

Jan.	4	1	Title	4
Jan.	20	12	Indefinitely postponed	513

LEGISLATIVE BILL 49. By Goodrich

Jan.	4	1	Title	4
Jan.	5	2	Committee amendment #0138 adopted. Wesely motion to indefinitely postpone lost. Advanced for Review	197
Jan.	9	4	Placed on Select File - AM5168	306
Jan.	16	8	AM5168 (E and R) adopted. Advanced for Engrossment	421
Jan.	23	13	Correctly Engrossed. ER0138 change	535
Jan.	26	16	Final Reading 41-3-5	595
Jan.	26	16	Speaker signed	612
Jan.	26	16	Presented to Governor	621
Jan.	26	16	Jacobson explanation of vote	622
Feb.	1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 51. By Cullan

Jan.	4	1	Title	4
Jan.	9	4	Indefinitely postponed	314

LEGISLATIVE BILL 55. By Eret

Jan.	4	1	Title	5
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 56. By Nichol, H. Peterson

Jan.	4	1	Title	5
Jan.	5	2	Hefner amendment #1608 to committee amendment printed	227
Jan.	10	5	Committee amendment #1565 adopted as amended by Hefner pending amendment #1608. Newell amendment lost.	

			Wesely amendment withdrawn	350
Jan.	11	6	DeCamp amendment #1643 printed	366
Jan.	11	6	Wesely-Hannibal amendment #1642 lost as amended by Wesely-Hannibal amendment #1644	369
Jan.	11	6	Advanced for Review	374
Jan.	12	7	V. Johnson amendment #1591 printed	377
Jan.	20	12	Placed on Select File - AM5202	518
Jan.	24	14	DeCamp amendment printed	558
Jan.	25	15	AM5202 (E and R) adopted. DeCamp pending amendment #1643 lost as amended by Wagner and Nichol-Hoagland amendments. Newell amendment lost. Hoagland motion to suspend rules withdrawn	577
Jan.	26	16	DeCamp pending amendment p. 558 lost as amended by Wagner amendment. Higgins-R. Johnson-Scofield amendment adopted. Advanced for Engrossment	616
Jan.	26	16	DeCamp amendment printed	620
Feb.	1	18	Correctly Engrossed. ER0154 change	670
Feb.	7	22	Beutler-DeCamp-Wesely motion to return to Select File for specific amendment ruled not germane. Newell motion to challenge chair lost. Point of order on Beutler motion to suspend rules. Beutler motion to recommit to committee lost. V. Johnson pending amendment #1591 p. 377 withdrawn. DeCamp pending amendment p. 620 withdrawn. DeCamp motion to return to Select File lost	806
Feb.	7	22	Final Reading 35-12-2	808
Feb.	7	22	President signed	827
Feb.	8	23	Presented to Governor	830
Feb.	13	26	Approved by Governor (2-10)	887

LEGISLATIVE BILL 61. By Wiitala

Jan.	4	1	Title	5
Jan.	9	4	Indefinitely postponed	314

LEGISLATIVE BILL 63. By Landis

Jan.	4	1	Title	5
Jan.	6	3	Committee amendment #0518 adopted. DeCamp motion to indefinitely	

			postpone prevailed	237
Jan.	6	3	Haberman explanation of vote	239

LEGISLATIVE BILL 67. By Vickers

Jan.	4	1	Title	5
Feb.	28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 68. By Vickers

Jan.	4	1	Title	5
Jan.	10	5	Committee amendment #0867 adopted. Fenger motion to indefinitely postpone prevailed	330
Jan.	11	6	Hoagland motion to reconsider action laid over	359

LEGISLATIVE BILL 77. By Pirsch, Hoagland

Jan.	4	1	Title	5
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 79. By Pirsch

Jan.	4	1	Title	6
Jan.	16	8	Pirsch amendment #1589 lost. Committee amendment #0614 adopted as amended by Beutler and Landis amendments. V. Johnson amendment lost. Advanced for Review	414
Jan.	20	12	Placed on Select File - AM5207	525
Jan.	24	14	AM5207 (E and R) adopted. Advanced for Engrossment	566
Jan.	31	17	Correctly Engrossed. ER0152 change	638
Feb.	3	20	Final Reading 38-2-9	742
Feb.	3	20	President signed	762
Feb.	6	21	Presented to the Governor. Higgins explanation of vote	771
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 80. By Pirsch

Jan.	4	1	Title	6
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 85. By Higgins, Labedz

Jan.	4	1	Title	6
Feb.	15	28	Indefinitely postponed	965

LEGISLATIVE BILL 103. By Lamb

Jan.	4	1	Title	6
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 112. By V. Johnson

Jan.	4	1	Title	6
Feb.	8	23	Placed on General File	838
Feb.	16	29	V. Johnson priority bill	1002
Mar.	8	42	V. Johnson amendment #0395 printed	1443
Mar.	26	52	V. Johnson pending amendment #0395 p. 763, First Session, withdrawn. V. Johnson pending amendment #0395 p. 1443 adopted. Advanced for Review	1857
Mar.	28	54	Placed on Select File - AM5417	1983
Apr.	2	57	AM5417 (E and R) adopted. Advanced for Engrossment	2217
Apr.	3	58	Correctly Engrossed. ER0250 change	2236
Apr.	9	60	Final Reading 29-20-0	2410
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Returned by Governor without approval	2485

LEGISLATIVE BILL 112A. By V. Johnson

Mar.	27	53	Read first time. Placed on General File	1912
Mar.	29	55	Advanced for Review	2009
Mar.	30	56	Placed on Select File - AM5428	2151
Apr.	2	57	AM5428 (E and R) adopted. Advanced for Engrossment	2217
Apr.	3	58	Correctly Engrossed	2236
Apr.	9	60	Final Reading 30-18-1	2411
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Returned by Governor without approval	2485

LEGISLATIVE BILL 113. By V. Johnson

Jan.	4	1	Title	6
Feb.	15	28	Indefinitely postponed	980

LEGISLATIVE BILL 115. By Marsh

Jan.	4	1	Title	6
Jan.	11	6	Placed on General File	365
Jan.	18	10	Advanced for Review	460
Jan.	24	14	Placed on Select File - AM5211	556
Jan.	31	17	AM5211 (E and R) adopted. Advanced for Engrossment	665
Feb.	2	19	Correctly Engrossed	716
Feb.	7	22	Final Reading 46-2-1	809
Feb.	7	22	President signed	827
Feb.	8	23	Presented to Governor	830
Feb.	13	26	Approved by Governor (2-10)	887

LEGISLATIVE BILL 117. By Vickers, Sieck, Carsten

Jan.	4	1	Title	7
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 122. By DeCamp, Kilgarin, Wiitala, Fowler, Wesely, Chambers

Jan.	4	1	Title	7
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 122A. By DeCamp

Jan.	4	1	Title	7
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 123. By Chambers

Jan.	4	1	Title	7
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 129. By V. Johnson

Jan.	4	1	Title	7
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 130. By V. Johnson

Jan.	4	1	Title	7
Jan.	18	10	Committee amendment #0784 p. 1035 adopted. Newell amendment adopted. Landis amendments #1 and #2 adopted. Haberman amendment #0508 withdrawn. H. Peterson amendment lost. V. Johnson amendment adopted. Haberman motion to indefinitely postpone laid over	461
Jan.	18	10	DeCamp amendment printed. DeCamp amendment #1698 printed	471
Jan.	20	12	Haberman pending motion to indefinitely postpone p. 461 lost. DeCamp pending amendment p. 471 adopted. DeCamp pending amendment #1698 p. 471 withdrawn. Advanced for Review	516
Jan.	26	16	Placed on Select File - AM5220	591
Feb.	1	18	H. Peterson amendment #1789 printed	676
Feb.	2	19	Wesely amendment #1829 printed	708
Feb.	3	20	V. Johnson amendment #1832 printed	758
Feb.	22	31	AM5220 (E and R) adopted. H. Peterson pending amendment #1789 p. 676 lost	1065
Feb.	22	31	Wesely pending amendment #1829 p. 708 adopted. V. Johnson pending amendment #1832 p. 758 withdrawn. V. Johnson amendment #2034 adopted. Failed to advance for Engrossment	1070
Mar.	6	40	Jacobson amendment #2201 lost	1364
Mar.	6	40	Advanced for Engrossment	1366
Mar.	20	48	Correctly Engrossed	1663
Mar.	29	55	DeCamp amendment #2664 printed	2018
Apr.	2	57	DeCamp motion to return to Select File for amendment #2664 withdrawn. Final Reading 25-19-5	2176
Apr.	2	57	Speaker signed	2205
Apr.	2	57	Presented to Governor	2210
Apr.	9	60	Approved by Governor (4-6)	2389

LEGISLATIVE BILL 130A. By V. Johnson

Jan.	4	1	Title	7
Jan.	17	9	Warner amendment printed	444
Jan.	25	15	Warner pending amendment p. 444 adopted. Warner amendment adopted. Advanced for Review	572

Jan. 31 17 Correction 625
Jan. 31 17 Placed on Select File - AM5238 628
Feb. 15 28 V. Johnson amendment #1962 printed.............965
Mar. 6 40 V. Johnson pending amendment #1962
adopted. AM5238 (E and R) adopted.
Advanced for Engrossment 1366
Mar. 20 48 Correctly Engrossed 1663
Apr. 2 57 Failed on Final Reading 28-16-5 2177

LEGISLATIVE BILL 132. By Warner

Jan. 4 1 Title...8
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 140. By V. Johnson

Jan. 4 1 Title...8
Jan. 9 4 V. Johnson amendment #1622 adopted.
Lamb motion to indefinitely
postpone prevailed 319

LEGISLATIVE BILL 140A. By V. Johnson

Jan. 4 1 Title...8
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 141. By Beutler, Vickers

Jan. 4 1 Title...8
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 147. By Sieck

Jan. 4 1 Title...8
Jan. 26 16 Indefinitely postponed 621

LEGISLATIVE BILL 150. By Fenger

Jan. 4 1 Title...8
Jan. 5 2 Newell name added 196
Jan. 10 5 Fenger name removed..........................350
Apr. 2 57 Newell amendment printed....................2184
Apr. 3 58 Newell pending amendment withdrawn.
Newell amendment #2702 pending 2287
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 152. By Fenger

Jan. 4	1	Title	8
Jan. 23	13	Fenger amendment #1721 to committee amendment printed	539
Feb. 2	19	Vickers amendment printed	728
Feb. 6	21	Fenger pending amendment #1721 to committee amendment adopted as amended by Schmit amendment	786
Feb. 14	27	Committee amendment #0893 adopted as amended by Schmit amendment #1917. Vickers pending amendment p. 728 withdrawn. Advanced for Review	949
Feb. 16	29	Correction	984
Feb. 16	29	Placed on Select File - AM5277	996
Feb. 24	33	AM5277 (E and R) adopted. Advanced for Engrossment	1126
Mar. 5	39	Correctly Engrossed	1286
Mar. 9	43	Final Reading 42-0-7	1467
Mar. 9	43	Speaker signed	1478
Mar. 9	43	Schmit motion to reconsider final passage laid over	1490
Mar. 12	44	Schmit pending motion to reconsider final passage prevailed	1517
Mar. 13	45	Schmit amendment #2445 printed	1587
Mar. 15	47	Returned to Select File for Schmit amendment. Schmit pending amendment #2445 adopted. Advanced for Re-Engrossment	1636
Mar. 20	48	Correctly Re-Engrossed	1663
Mar. 29	55	Final Reading 47-0-2	2072
Mar. 29	55	Speaker signed	2087
Mar. 30	56	Presented to Governor	2093
Apr. 3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 165. By Goodrich

Jan. 4	1	Title	9
Jan. 5	2	Wesely motion to indefinitely postpone prevailed	208
Jan. 6	3	Hoagland motion to reconsider action postpone laid over	253
Jan. 16	8	Hoagland pending motion to reconsider action lost	413

LEGISLATIVE BILL 165A. By Goodrich

Jan.	4	1	Title	9
Jan.	5	2	Goodrich motion to indefinitely postpone prevailed	208
Jan.	6	3	Hoagland motion to reconsider action laid over	253

LEGISLATIVE BILL 167. By Pirsch

Jan.	4	1	Title	9
Feb.	28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 171. By Constitutional Revision and Recreation Committee

Jan.	4	1	Title	9
Jan.	11	6	Failed to advance for Review	361
Jan.	19	11	Chambers motion to indefinitely postpone lost. Advanced for Review	484
Jan.	24	14	Placed on Select File - AM5214	552
Jan.	31	17	AM5214 (E and R) adopted. Advanced for Engrossment	665
Feb.	2	19	Correctly Engrossed	716
Feb.	7	22	Chambers motions to return to Select File lost	810
Feb.	7	22	Final Reading 29-18-2	811
Feb.	7	22	President signed	827
Feb.	8	23	Presented to Governor	830
Feb.	13	26	Approved by Governor (2-10)	887

LEGISLATIVE BILL 172. By L. Johnson

Jan.	4	1	Title	9
Jan.	20	12	Indefinitely postponed	513

LEGISLATIVE BILL 183. By Pirsch, DeCamp

Jan.	4	1	Title	9
Jan.	10	5	Advanced for Review	347
Jan.	10	5	Hefner name added	350
Jan.	17	9	Placed on Select File	433
Jan.	19	11	Passed over	491
Jan.	23	13	Hoagland amendment #1681 lost. Chambers motion to indefinitely postpone lost	549

Jan. 24	14	Advanced for Engrossment	563
Jan. 31	17	Correctly Engrossed	630
Feb. 3	20	Chambers and Schmit motions to return to Select File lost. Final Reading 27-18-4	743
Feb. 3	20	President signed	762
Feb. 6	21	Presented to Governor. Higgins explanation of vote	771
Feb. 7	22	Returned by Governor without approval	812
Feb. 8	23	Pirsch-Hefner-DeCamp motion to override veto laid over	831
Feb. 9	24	Pirsch-Hefner-DeCamp pending motion to override prevailed with 31-16-2	855
Feb. 9	24	Communication	858
Feb. 9	24	Certificate	859
Feb. 10	25	Correction	863
Feb. 10	25	Communication	875
Feb. 10	25	Certificate	876

LEGISLATIVE BILL 189. By V. Johnson

Jan. 4	1	Title	10
Jan. 5	2	Committee amendment #0365 adopted as amended by V. Johnson amendment #1615. Advanced for Review	228
Jan. 10	5	Placed on Select File - AM5172	326
Jan. 12	7	V. Johnson amendment #1635 to committee amendment printed	392
Jan. 16	8	Correction	412
Jan. 16	8	AM5172 (E and R) adopted. V. Johnson pending amendment #1635 adopted. Advanced for Engrossment	421
Jan. 23	13	Correctly Engrossed	535
Jan. 26	16	Final Reading 44-1-4	596
Jan. 26	16	Speaker signed	612
Jan. 26	16	Presented to Governor	621
Jan. 26	16	Jacobson explanation of vote	622
Feb. 1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 190. By Beyer

Jan. 4	1	Title	10
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 202. By Chambers

Jan.	4	1	Title	10
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 212. By Haberman

Jan.	4	1	Title	10
Mar.	22	50	Morehead name added	1786
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 216. By Nebraska Retirement Systems Committee

Jan.	4	1	Title	10
Jan.	6	3	Wesely amendment #0897 adopted	244
Jan.	6	3	Wesely amendment #0994 adopted	246
Jan.	6	3	Advanced for Review	247
Jan.	10	5	Placed on Select File - AM5174	327
Jan.	16	8	Passed over	422
Jan.	16	8	Wesely amendment #1639 printed	425
Jan.	17	9	AM5174 (E and R) adopted. Wesely pending amendment #1639 withdrawn. Wesely amendments #1672 and #1690 adopted. Advanced for Engrossment	446
Jan.	24	14	Correctly Engrossed. ER0139 change	558
Jan.	26	16	Nichol motion to suspend rules prevailed. Final Reading 31-11-7	598
Jan.	26	16	Speaker signed	612
Jan.	26	16	Presented to Governor	621
Jan.	26	16	Jacobson explanation of vote	622
Feb.	1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 217. By Wiitala

Jan.	4	1	Title	10
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 218. By Nebraska Retirement Systems Committee

Jan.	4	1	Title	11
Jan.	5	2	Wesely amendment #1616 to committee amendment printed	227
Jan.	9	4	Committee amendment #0625 adopted as amended by Wesely pending amendment	

			#1616. Advanced for Review	303
Jan.	11	6	Placed on Select File - AM5180	355
Jan.	16	8	Wesely amendment #1638 printed	425
Jan.	17	9	Wesely amendment #1691 printed	444
Jan.	17	9	Passed over	448
Jan.	18	10	AM5180 (E and R) adopted. Wesely pending amendments #1638 p. 425 and #1691 p. 444 adopted. Advanced for Engrossment	471
Jan.	24	14	Correctly Engrossed. ER0142 change	562
Jan.	26	16	Returned to Select File for Wesely-Goodrich amendment #1762	599
Jan.	26	16	Wesely-Goodrich amendment #1762 adopted. Advanced for Re-Engrossment	603
Feb.	1	18	Correctly Re-Engrossed. ER0153 change	670
Feb.	9	24	Correction	844
Mar.	30	56	Final Reading 45-0-4	2145
Mar.	30	56	Speaker signed	2151
Mar.	30	56	Presented to Governor	2162
Apr.	9	60	Approved by Governor (4-5)	2389

LEGISLATIVE BILL 220. By Nebraska Retirement Systems Committee

Jan.	4	1	Title	11
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 222. By Nebraska Retirement Systems Committee

Jan.	4	1	Title	11
Jan.	9	4	Laid over	304
Feb.	15	28	Committee amendment #0624 lost. Advanced for Review	964
Feb.	21	30	Wesely amendment #2036 printed	1013
Feb.	22	31	Placed on Select File - AM5291	1060
Mar.	20	48	Wesely amendment #2341 printed	1671
Mar.	29	55	AM5291 (E and R) adopted. DeCamp motion to indefinitely postpone laid over	2089
Mar.	30	56	DeCamp amendment #2692 printed	2148
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 226. By R. Peterson, Goll, Hefner, Chronister, DeCamp, Von Minden

Jan.	4	1	Title	11

Jan.	4	1	R. Peterson amendment #1580 printed	154
Jan.	9	4	Committee amendment #0597 adopted. R. Peterson pending amendment #1580 adopted. Advanced for Review	291
Jan.	11	6	Placed on Select File - AM5179	354
Jan.	17	9	AM5179 (E and R) adopted. Advanced for Engrossment	447
Jan.	24	14	Correctly Engrossed	558
Jan.	26	16	Nichol motion to suspend rules prevailed	598
Jan.	26	16	Final Reading 42-1-6	603
Jan.	26	16	Speaker signed	612
Jan.	26	16	Presented to Governor	621
Jan.	26	16	Jacobson explanation of vote	622
Feb.	1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 227. By Wiitala

Jan.	4	1	Title	11
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 229. By Beutler

Jan.	4	1	Title	12
Jan.	5	2	Attorney General's Opinion to Beutler	204
Feb.	15	28	Committee amendment #0719 adopted. Beutler amendment #1843 (1) adopted and (2) passed over	969
Mar.	13	45	Beutler pending amendment (2) withdrawn. Advanced for Review	1588
Mar.	13	45	Beutler amendment #2461 printed	1592
Mar.	21	49	Placed on Select File - AM5398	1757
Apr.	2	57	AM5398 (E and R) adopted. Beutler pending amendment #2461 p. 1592 withdrawn. Advanced for Engrossment	2217
Apr.	3	58	Correctly Engrossed	2236
Apr.	9	60	Final Reading 47-0-2	2391
Apr.	9	60	Abboud explanation of vote. Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 231. By Lamb, Haberman

Jan.	4	1	Title	12
Feb.	28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 232. By Wesely, Landis, Carsten

Jan.	4	1	Title	12
Jan.	11	6	Pending	362
Jan.	11	6	Wesely-Hoagland pending amendment #0266 p. 733, First Session, lost. Haberman amendment withdrawn. Sieck motion to indefinitely postpone laid over	367
Jan.	11	6	V. Johnson amendment printed	372
Jan.	20	12	Hoagland-Wesely amendment #1660 printed	510
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 233. By Sieck, Pirsch, Chronister

Jan.	4	1	Title	12
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 243. By Banking, Commerce and Insurance Committee

Jan.	4	1	Title	12
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 249. By Business and Labor Committee

Jan.	4	1	Title	12
Feb.	13	26	Barrett amendment #1848 printed	900
Mar.	6	40	AM5028 (E and R) adopted. Hannibal pending amendment p. 663 and Hefner pending amendment #0711 p. 1049, First Session, withdrawn. Barrett pending amendment #1848 p. 900 adopted. Advanced for Engrossment	1348
Mar.	13	45	Correctly Engrossed	1595
Mar.	21	49	Final Reading 46-0-3	1743
Mar.	21	49	Speaker signed	1761
Mar.	22	50	Presented to Governor	1771
Mar.	27	53	Approved by Governor (3-27)	1938

LEGISLATIVE BILL 250. By Fenger

Jan.	4	1	Title	13
Feb.	9	24	Indefinitely postponed	859

LEGISLATIVE BILL 251. By Fenger

Jan.	4	1	Title	13
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 251A. By Fenger

Jan.	4	1	Title	13
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 255. By Cullan, H. Peterson, Kahle, Goodrich

Jan.	4	1	Title	13
Jan.	31	17	R. Johnson name added	650
Feb.	6	21	Goodrich amendment adopted. Advanced for Review	776
Feb.	8	23	Placed on Select File - AM5247	832
Feb.	10	25	AM5247 (E and R) adopted. Landis amendment lost. Advanced for Engrossment	886
Feb.	14	27	Correctly Engrossed	954
Mar.	26	52	Kahle amendment #2612 printed	1871
Mar.	30	56	Returned to Select File for Kahle amendment. Kahle pending amendment #2612 adopted. Advanced for Re-Engrossment	2146
Apr.	2	57	Correctly Re-Engrossed	2187
Apr.	2	57	ER0240 change	2188
Apr.	5	59	Failed on Final Reading w/E 24-21-4	2348
Apr.	5	59	Failed on Final Reading 23-22-4	2349

LEGISLATIVE BILL 256. By Pappas, Morehead

Jan.	4	1	Title	13
Feb.	14	27	Vickers-Pappas-Morehead motion to withdraw laid over	937
Feb.	15	28	Vickers-Pappas-Morehead pending motion prevailed. Withdrawn	960

LEGISLATIVE BILL 258. By Miscellaneous Subjects Committee

Jan.	4	1	Title	14
Feb.	28	35	Indefinitely postponed	1181

LEGISLATIVE BILL 260. By DeCamp

Jan.	4	1	Title	14
Jan.	19	11	Committee amendment #0645 adopted. Haberman motion to indefinitely postpone laid over	491
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 275. By Wesely

Jan.	4	1	Title	14
Jan.	4	1	Fenger amendment #1585 printed	186
Jan.	5	2	Wesely amendment #1614 printed	231
Jan.	6	3	Wesely pending amendment #1614 lost	238
Jan.	6	3	Fenger pending amendment #1585 withdrawn. Fenger motion to indefinitely postpone laid over	244
Feb.	6	21	Wesely amendment #1866 printed	787
Feb.	21	30	Nichol priority bill	1036
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 276. By Hoagland, Marsh

Jan.	4	1	Title	14
Jan.	10	5	Committee amendment #0615 adopted as amended by Hoagland-Beutler-Marsh amendment #1631. Beutler amendment adopted. Advanced for Review	338
Jan.	16	8	Placed on Select File - AM5192	417
Jan.	20	12	AM5192 (E and R) adopted. Marsh-Hoagland amendment #1720 adopted. Advanced for Engrossment	530
Jan.	31	17	Correctly Engrossed. ER0148 change	630
Feb.	3	20	Final Reading 43-0-6	745
Feb.	3	20	President signed	762
Feb.	6	21	Presented to Governor. Higgins explanation of vote	771
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 278. By Landis

Jan.	4	1	Title	14
Jan.	17	9	Advanced for Review	442
Jan.	23	13	Placed on Select File - AM5208	534
Jan.	31	17	AM5208 (E and R) adopted. Advanced for Engrossment	664
Feb.	2	19	Correctly Engrossed	716
Feb.	7	22	Final Reading 44-0-5	816
Feb.	7	22	President signed	827
Feb.	8	23	Presented to Governor	830
Feb.	13	26	Approved by Governor (2-10)	887

LEGISLATIVE BILL 280. By Fowler, Wiitala

Jan.	4	1	Title	14
Feb.	21	30	Indefinitely postponed	1037

LEGISLATIVE BILL 283. By DeCamp, V. Johnson

Jan.	4	1	Title	15
Jan.	12	7	V. Johnson amendment to committee amendment lost. Committee amendment #0468 adopted. Advanced for Review	399
Jan.	20	12	Placed on Select File - AM5206	525
Jan.	24	14	DeCamp amendment #1747 printed	569
Jan.	24	14	DeCamp amendment #1748 printed	570
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 284. By Cullan, DeCamp

Jan.	4	1	Title	15
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 286. By Education Committee

Jan.	4	1	Title	15
Jan.	9	4	Committee amendment #0819 adopted. Advanced for Review	318
Jan.	10	5	Vickers amendment printed	333
Jan.	12	7	Placed on Select File	409
Jan.	24	14	Vickers pending amendment p. 333 withdrawn. Advanced for Engrossment	565
Jan.	31	17	Correctly Engrossed	630
Mar.	20	48	DeCamp amendment #2499 printed	1685
Mar.	26	52	Vickers amendment #2608 printed	1875

Mar. 30	56	DeCamp pending amendment #2499 p. 1685 and Vickers pending amendment #2608 p. 1875 withdrawn. Final Reading 43-0-6	2146
Mar. 30	56	Speaker signed	2151
Mar. 30	56	Presented to Governor	2162
Apr. 9	60	Approved by Governor (4-5)	2389

LEGISLATIVE BILL 286A. By Vickers

Jan. 4	1	Title	15
Jan. 9	4	Vickers amendment adopted. Advanced for Review	319
Jan. 12	7	Placed on Select File - AM5189	409
Jan. 24	14	AM5189 (E and R) adopted. Advanced for Engrossment	565
Jan. 31	17	Correctly Engrossed	630
Mar. 30	56	Final Reading 42-0-7	2147
Mar. 30	56	Speaker signed	2151
Mar. 30	56	Presented to Governor	2162
Apr. 9	60	Approved by Governor (4-5)	2389

LEGISLATIVE BILL 287. By Education Committee

Jan. 4	1	Title	15
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 288. By Education Committee

Jan. 4	1	Title	15
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 290. By Education Committee

Jan. 4	1	Title	16
Jan. 10	5	Advanced for Review	347
Jan. 17	9	Placed on Select File - AM5199	433
Jan. 19	11	AM5199 (E and R) adopted. Advanced for Engrossment	491
Jan. 25	15	Correctly Engrossed	573
Feb. 23	32	Final Reading 44-0-5	1085
Feb. 23	32	President signed	1100
Feb. 23	32	Presented to Governor	1103
Feb. 24	33	Approved by Governor (2-24)	1114

LEGISLATIVE BILL 293. By Lamb, Sieck, Carsten, DeCamp

Jan.	4	1	Title	16
Feb.	21	30	Indefinitely postponed	1028

LEGISLATIVE BILL 294. By Lamb, Sieck, Carsten, DeCamp, Chronister, Von Minden, Jacobson, H. Peterson, R. Peterson

Jan.	4	1	Title	16
Feb.	21	30	Indefinitely postponed	1028

LEGISLATIVE BILL 295. By Wesely

Jan.	4	1	Title	16
Jan.	4	1	Attorney General's Opinion to DeCamp	75
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 296. By Hoagland

Jan.	4	1	Title	16
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 296A. By Hoagland

Jan.	17	9	Read first time. Placed on General File	459
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 297. By DeCamp, Hefner, Schmit, Cullan, Pappas, Clark, Remmers, Wagner

Jan.	4	1	Title	16
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 300. By Banking, Commerce and Insurance Committee

Jan.	4	1	Title	17
Jan.	9	4	Committee amendment #0646 adopted. Advanced for Review	304
Jan.	11	6	Placed on Select File	355
Jan.	17	9	Advanced for Engrossment	448
Jan.	24	14	Correctly Engrossed	558
Jan.	26	16	Nichol motion to suspend rules prevailed	598
Jan.	26	16	Final Reading 45-0-4	604
Jan.	26	16	Speaker signed	612

Jan. 26	16	Presented to Governor	621
Jan. 26	16	Jacobson explanation of vote	622
Feb. 1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 312. By Hoagland

Jan. 4	1	Title	17
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 314. By R. Peterson, Higgins

Jan. 4	1	Title	17
Feb. 23	32	Placed on General File - Com am #2063	1102
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 314A. By R. Peterson, Higgins

Feb. 29	36	Read first time. Placed on General File	1194
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 318. By Beutler

Jan. 4	1	Title	17
Jan. 5	2	Chambers motion to indefinitely postpone lost	222
Jan. 5	2	Failed to advance for Review	223
Feb. 6	21	Beutler amendment printed	795
Feb. 21	30	Beutler pending amendment withdrawn. Beutler amendment #1907 adopted. Chambers motion to indefinitely postpone lost. Failed to advance for Review	1017
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 321. By Newell

Jan. 4	1	Title	17
Jan. 19	11	Newell motion to withdraw laid over	486
Jan. 20	12	Newell pending motion prevailed. Withdrawn	506

LEGISLATIVE BILL 324. By Wesely

Jan. 4	1	Title	18
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 331. By Goodrich, Doyle, Abboud, Hoagland, Newell, Hannibal, Wiitala, Pirsch, Labedz, Kilgarin, Beyer

Jan.	4	1	Title	18
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 333. By Goodrich

Jan.	4	1	Title	18
Jan.	5	2	Committee amendment #0376 adopted. Advanced for Review	221
Jan	9	4	Placed on Select File - AM5170	309
Jan.	17	9	Goodrich amendment #1647 printed	456
Jan.	18	10	AM5170 (E and R) adopted. Goodrich pending amendment #1647 adopted. Advanced for Engrossment	471
Jan.	24	14	Correctly Engrossed. ER0141 change	562
Jan.	26	16	Nichol motion to suspend rules prevailed	598
Jan.	26	16	Final Reading w/E 44-0-5	604
Jan.	26	16	Speaker signed	612
Jan.	26	16	Presented to Governor	621
Jan.	26	16	Jacobson explanation of vote	622
Feb.	1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 336. By DeCamp, Kilgarin, Pappas

Jan.	4	1	Title	18
Mar.	5	39	DeCamp amendment #2275 printed	1336
Mar.	14	46	Hoagland amendment #2241 printed	1632
Mar.	15	47	DeCamp motion to suspend rules prevailed. DeCamp motion to withdraw prevailed. Withdrawn	1640

LEGISLATIVE BILL 336A. By DeCamp

Jan.	4	1	Title	18
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 338. By Wesely

Jan.	4	1	Title	18
Jan.	5	2	Wesely motion to indefinitely postpone prevailed	221

LEGISLATIVE BILL 340. By DeCamp

Jan.	4	1	Title	19
Jan.	12	7	Indefinitely postponed	381

LEGISLATIVE BILL 341. By Vickers, Wiitala

Jan.	4	1	Title	19
Mar.	1	37	Newell amendment #2139 printed	1217
Mar.	1	37	Goodrich-Vickers amendment #1926 printed	1233
Mar.	1	37	Vickers amendment #2199 printed	1241
Mar.	7	41	Lamb amendment #2268 printed	1426
Mar.	8	42	Committee amendment #0546 adopted. Vickers-Goodrich pending amendment p. 1233 adopted. Vickers pending amendment #2199 p. 1241 withdrawn. Newell pending am #2139 p. 1217 withdrawn. Lamb pending amendment #2268 p. 1426 adopted. Vickers amendment #2374 adopted. Advanced for Review	1434
Mar.	8	42	DeCamp name added	1442
Mar.	9	43	Lamb-Hoagland amendment printed	1507
Mar.	14	46	Vickers amendment #2480 to amendment #2374 printed	1622
Mar.	20	48	Placed on Select File - AM5388	1675
Mar.	20	48	Pappas amendment #2493 printed	1688
Mar.	21	49	Vickers amendment #2502 to amendment #1926 printed	1716
Mar.	21	49	Lamb amendment #2505 to amendment #2374 printed. Eret amendment #2545 to amendment #2345 printed	1769
Mar.	22	50	AM5388 (E and R) adopted. Newell reoffered amendment #2139 p. 1217 withdrawn. Lamb-Hoagland pending amendment p. 1507, Lamb pending amendment #2505 p. 1769, and Eret pending amendment #2545 p. 1769 withdrawn. Vickers pending amendments #2480 p. 1622 and #2502 p. 1716 adopted. Pappas pending amendment #2493 p. 1688 and Vickers amendment #2501 lost	1810
Mar.	23	51	Vickers amendment printed	1836
Mar.	26	52	Vickers pending amendment p. 1836 adopted. Haberman amendment lost. Advanced for Engrossment	1851
Mar.	28	54	Lamb amendment #2619 to amendment #2374 printed	1947

Mar. 28	54	Correctly Engrossed. ER0219 change	1998
Apr. 3	58	Lamb motion to return to Select File lost	2250
Apr. 3	58	Vickers-Warner motion to return to Select File lost	2251
Apr. 5	59	Final Reading 35-10-4	2320
Apr. 5	59	President signed	2342
Apr. 9	60	Presented to Governor	2388
Apr. 9	60	Returned by Governor without approval	2422
Apr. 9	60	Vickers motion to override veto lost 21-27-1	2451

LEGISLATIVE BILL 341A. By Vickers

Jan. 4	1	Title	19
Mar. 2	38	Vickers amendment printed	1274
Mar. 8	42	Vickers pending amendment p. 1274 adopted. Advanced for Review	1448
Mar. 9	43	Lamb-Hoagland amendment printed	1507
Mar. 20	48	Placed on Select File - AM5389	1676
Mar. 22	50	Vickers amendment #2568 printed	1812
Mar. 22	50	Vickers amendment #2579 printed	1813
Mar. 22	50	Vickers amendment #2503 printed	1814
Mar. 26	52	AM5389 (E and R) adopted. Lamb-Hoagland pending amendment p. 1507 and Vickers pending amendments #2568, #2579, and #2503 pp. 1812-1814 withdrawn. Vickers amendment #2604 adopted. Advanced for Engrossment	1852
Mar. 28	54	Correctly Engrossed. ER0220 change	1998
Apr. 5	59	Final Reading 30-14-5	2321
Apr. 5	59	Chambers motion to reconsider action ruled out of order. President signed	2342
Apr. 9	60	Presented to Governor	2388
Apr. 9	60	Returned by Governor without approval	2422

LEGISLATIVE BILL 342. By DeCamp, Haberman

Jan. 4	1	Title	19
Jan. 16	8	Passed over	414
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 344. By DeCamp

Jan. 4	1	Title	19
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 344A. By DeCamp

Jan.	4	1	Title	19
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 348. By DeCamp

Jan.	4	1	Title	19
Feb.	9	24	Committee amendment #0602 adopted. Hoagland-Goodrich motion to indefinitely postpone lost. Advanced for Review	856
Feb.	13	26	Placed on Select File - AM5254	907
Mar.	20	48	DeCamp amendment #2498 printed	1688
Mar.	28	54	AM5254 (E and R) adopted. DeCamp pending amendment #2498 p. 1688 withdrawn. Advanced for Engrossment	1997
Mar.	30	56	Correctly Engrossed	2162
Apr.	5	59	Final Reading 37-9-3	2331
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 354. By Cullan

Jan.	4	1	Title	19
Feb.	28	35	Indefinitely postponed	1171

LEGISLATIVE BILL 355. By Cullan

Jan.	4	1	Title	20
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 359. By Fenger, Kilgarin, Pirsch

Jan.	4	1	Title	20
Feb.	9	24	Indefinitely postponed	859

LEGISLATIVE BILL 360. By DeCamp

Jan.	4	1	Title	20
Jan.	6	3	DeCamp amendment #1617 printed	253
Jan.	9	4	Passed over	311
Jan.	11	6	DeCamp amendment #1640 printed	368
Jan.	23	13	Pappas amendment printed	539
Feb.	1	18	Passed over	703
Feb.	16	29	McDonald priority bill	1002

Feb. 28	35	DeCamp pending amendment #1617 p. 253 withdrawn. DeCamp pending amendment #1640 p. 368 adopted	1173
Feb. 29	36	Pappas pending amendment p. 539 adopted. Failed to advance for Review	1184
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 364. By Carsten

Jan. 4	1	Title	20
Jan. 20	12	Indefinitely postponed	513

LEGISLATIVE BILL 368. By Government, Military and Veterans Affairs Committee

Jan. 4	1	Title	20
Jan. 5	2	Advanced for Review	222
Jan. 10	5	Placed on Select File - AM5171	326
Jan. 16	8	AM5171 (E and R) adopted. Advanced for Engrossment	421
Jan. 23	13	Correctly Engrossed	535
Jan. 26	16	Final Reading 46-0-3	597
Jan. 26	16	Speaker signed	612
Jan. 26	16	Presented to Governor	621
Jan. 26	16	Jacobson explanation of vote	622
Feb. 1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 371A. By Schmit

Jan. 4	1	Title	20
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 372. By Landis

Jan. 4	1	Title	20
Feb. 14	27	Advanced for Review	949
Feb. 21	30	Placed on Select File - AM5283	1005
Feb. 24	33	AM5283 (E and R) adopted. Advanced for Engrossment	1126
Mar. 6	40	Correctly Engrossed	1345
Mar. 6	40	ER0179 change	1346
Mar. 29	55	Landis amendment #2662 printed	2027
Mar. 30	56	Returned to Select File for Landis amendment #2662. Landis pending amendment #2662 ruled not germane. Landis motion to suspend rules	

		prevailed. Landis pending amendment #2662 p. 2027 adopted. Advanced for Re-Engrossment. Returned to Select File for V. Johnson amendment. V. Johnson amendment adopted. Advanced for Re-Engrossment	2151
Apr. 2	57	Correctly Re-Engrossed	2187
Apr. 2	57	ER0238 change	2188
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading 29-18-2	2349
Apr. 5	59	Speaker signed. Presented to Governor	2385
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 372A. By Landis

Jan. 4	1	Title	21
Feb. 14	27	Advanced for Review	950
Feb. 21	30	Placed on Select File - AM5282	1005
Feb. 24	33	AM5282 (E and R) adopted. Advanced for Engrossment	1127
Mar. 6	40	Correctly Engrossed	1345
Mar. 30	56	Returned to Select File for Landis amendment. Landis amendment #2690 adopted. Advanced for Re-Engrossment	2153
Apr. 2	57	Correctly Re-Engrossed	2187
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	DeCamp motion to return to Select File withdrawn	2350
Apr. 5	59	Failed on Final Reading 28-20-1	2351

LEGISLATIVE BILL 373. By Judiciary Committee

Jan. 4	1	Title	21
Jan. 6	3	Advanced for Review	248
Jan. 10	5	Placed on Select File - AM5176	334
Jan. 16	8	AM5176 (E and R) adopted. Advanced for Engrossment	422
Jan. 23	13	Correctly Engrossed	535
Jan. 26	16	Final Reading 46-0-3	597
Jan. 26	16	Speaker signed	612
Jan. 26	16	Presented to Governor	621
Jan. 26	16	Jacobson explanation of vote	622
Feb. 1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 377. By Chambers

Jan.	4	1	Title	21
Jan.	6	3	Committee amendment #0561 adopted. Advanced for Review	249
Jan.	10	5	Placed on Select File - AM5177	336
Jan.	16	8	AM5177 (E and R) adopted. Chambers amendment lost. Chambers motion to pass over withdrawn. Failed to advance for Engrossment	422
Feb.	29	36	Chambers amendment adopted. Beutler motion to indefinitely postpone lost. Failed to advance for Engrossment. Indefinitely postponed	1194

LEGISLATIVE BILL 379. By Public Works Committee

Jan.	4	1	Title	21
Feb.	28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 381. By DeCamp, Hoagland, Wesely, Doyle

Jan.	4	1	Title	21
Feb.	28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 385. By Lamb, Sieck, Vickers

Jan.	4	1	Title	22
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 386. By Carsten

Jan.	4	1	Title	22
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 388. By Wiitala

Jan.	4	1	Title	22
Mar.	29	55	Returned to Select File for Vickers amendment. Vickers amendment adopted. Indefinitely postponed	2070

LEGISLATIVE BILL 390. By DeCamp

Jan.	4	1	Title	22
Jan.	11	6	Placed on General File - Com am #1630	364

Jan.	18	10	Committee amendment #1630 adopted. Failed to advance for Review	461
Jan.	31	17	DeCamp amendment printed	638
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 394. By Kahle, Sieck, H. Peterson, L. Johnson, Remmers, Von Minden, Chronister

Jan.	4	1	Title	22
Jan.	10	5	Committee amendment #1119 adopted. Advanced for Review	350
Jan.	17	9	Placed on Select File - AM5200	433
Jan.	19	11	AM5200 (E and R) adopted. Advanced for Engrossment	491
Jan.	25	15	Correctly Engrossed	573
Feb.	2	19	Final Reading 43-1-5	718
Feb.	2	19	President signed	725
Feb.	2	19	Presented to Governor	730
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 395. By Revenue Committee

Jan.	4	1	Title	22
Jan.	9	4	Newell amendment #1592 to committee amendment printed	321
Jan.	11	6	Lamb pending amendments p. 1201, First Session, withdrawn. Committee amendment #0399 adopted as amended by Carsten pending amendment #1208 p. 1719, First Session. Fenger pending amendment #0764 p. 993 withdrawn. Fenger motion to indefinitely postpone prevailed	356

LEGISLATIVE BILL 398. By Schmit

Jan.	4	1	Title	23
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 403. By Rupp

Jan.	4	1	Title	23
Jan.	9	4	Committee amendment #0760 adopted. Rupp amendment #1618 adopted. Advanced for Review	310
Jan.	12	7	Placed on Select File - AM5185	408
Jan.	17	9	AM5185 (E and R) adopted.	

			Advanced for Engrossment	449
Jan.	24	14	Correctly Engrossed	553
Jan.	26	16	Nichol motion to suspend rules prevailed	598
Jan.	26	16	Final Reading 45-0-4	605
Jan.	26	16	Speaker signed	612
Jan.	26	16	Presented to Governor	621
Jan.	26	16	Jacobson explanation of vote	622
Feb.	1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 403A. By Rupp

Jan.	4	1	Title	23
Jan.	9	4	Rupp amendment adopted. Advanced for Review	310
Jan.	12	7	Placed on Select File	408
Jan.	17	9	Advanced for Engrossment	449
Jan.	24	14	Correctly Engrossed	553
Jan.	26	16	Nichol motion to suspend rules prevailed	598
Jan.	26	16	Final Reading 43-0-6	606
Jan.	26	16	Speaker signed	612
Jan.	26	16	Presented to Governor	621
Jan.	26	16	Jacobson explanation of vote	622
Feb.	1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 405. By Cullan

Jan.	4	1	Title	23
Feb.	6	21	Committee amendment #0761 adopted. Advanced for Review	784
Feb.	8	23	Placed on Select File - AM5248	832
Feb.	10	25	AM5248 (E and R) adopted. Advanced for Engrossment	866
Feb.	14	27	Correctly Engrossed	954
Feb.	23	32	Returned to Select File for Landis amendment. Landis amendment #2096 adopted. Advanced for Re-Engrossment	1092
Feb.	28	35	Correctly Re-Engrossed. ER0172 change	1157
Mar.	7	41	Final Reading 44-0-5	1403
Mar.	7	41	Speaker signed	1406
Mar.	7	41	Presented to Governor	1428
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 407. By Warner

Jan.	4	1	Title	23
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 416. By Public Health and Welfare Committee

Jan.	4	1	Title	23
Jan.	9	4	Committee amendment #0554 adopted. Advanced for Review	304
Jan.	11	6	Placed on Select File - AM5181	359
Jan.	19	11	Fenger amendment #1653 printed	494
Jan.	19	11	Fenger amendment #1692 printed	496
Jan.	19	11	Fenger amendment #1658 printed	498
Jan.	19	11	Higgins amendment printed	500
Jan.	20	12	AM5181 (E and R) adopted. Fenger pending amendments #1653 p. 494 and #1692 p. 496 adopted. Fenger pending amendment #1658 p. 498 adopted as amended by Higgins pending amendment p. 500. Chronister amendment adopted. Advanced for Engrossment	529
Jan.	26	16	Correctly Engrossed. ER0147 change	619
Feb.	13	26	Higgins amendment #1995 printed	915
Feb.	23	32	Fenger amendment #2095 printed	1090
Mar.	30	56	Returned to Select File for Higgins amendment. Higgins pending amendment #1995 p. 915 adopted. Advanced for Re-Engrossment. Returned to Select File for Fenger amendment. Fenger pending amendment #2095 p. 1090 adopted. Advanced for Re-Engrossment	2154
Apr.	2	57	Correctly Re-Engrossed	2187
Apr.	2	57	ER0237 change	2188
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading w/E 44-3-2	2351
Apr.	5	59	Speaker signed. Presented to Governor	2385
Apr.	9	60	Approved by Governor (4-9)	2447

LEGISLATIVE BILL 416A. By Fenger

Jan.	4	1	Title	23
Jan.	9	4	Fenger amendment adopted. Advanced for Review	304
Jan.	11	6	Placed on Select File - AM5182	359
Jan.	20	12	AM5182 (E and R) adopted. Advanced for Engrossment	530
Jan.	26	16	Correctly Engrossed	619
Apr.	5	59	Final Reading 43-2-4	2352
Apr.	5	59	Speaker signed. Presented to Governor	2385

Apr.	9	60	Approved by Governor (4-9)	2447

LEGISLATIVE BILL 418. By Fenger

Jan.	4	1	Title	24
Feb.	21	30	Placed on General File - Com am #2018	1019
Mar.	2	38	Committee amendment #2018 adopted. Advanced for Review	1282
Mar.	13	45	Placed on Select File - AM5374	1568
Apr.	3	58	AM5374 (E and R) adopted. Advanced for Engrossment	2267
Apr.	3	58	Correctly Engrossed	2280
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 418A. By Fenger

Feb.	24	33	Read first time. Placed on General File	1113
Mar.	2	38	Advanced for Review	1282
Mar.	13	45	Placed on Select File	1573
Apr.	3	58	Advanced for Engrossment	2267
Apr.	3	58	Correctly Engrossed	2280
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 419. By Marsh

Jan.	4	1	Title	24
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 420. By Clark

Jan.	4	1	Title	24
Jan.	11	6	Committee amendment #1232 adopted. Beutler amendment #1637 to committee amendment pending. Laid over	360
Jan.	23	13	Beutler pending amendment #1637 withdrawn. Beutler-Hoagland amendment to committee amendment adopted. Advanced for Review	537
Jan.	26	16	Placed on Select File - AM5221	618
Feb.	2	19	AM5221 (E and R) adopted. Advanced for Engrossment	730
Feb.	3	20	Correctly Engrossed. ER0157 change	761
Feb.	9	24	Final Reading 32-0-17	850
Feb.	9	24	President signed	855
Feb.	9	24	Haberman explanation of vote	859
Feb.	10	25	Presented to Governor. V. Johnson explanation of vote	864

Feb. 13 26 Approved by Governor (2-10) 888

LEGISLATIVE BILL 422. By Beutler

Jan. 4 1 Title. 24
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 426. By Beutler

Jan. 4 1 Title. 24
Feb. 16 29 Beutler priority bill 1001
Feb. 22 31 Beutler amendment #2091 adopted 1056
Feb. 27 34 Kahle-Pappas-R. Johnson motion to indefinitely postpone prevailed 1143
Feb. 28 35 Chambers motion to reconsider action laid over 1163
Mar. 2 38 Vickers amendment #2187 printed. 1264
Mar. 6 40 Chambers pending motion to reconsider action withdrawn. 1347

LEGISLATIVE BILL 426A. By Beutler

Jan. 4 1 Title. 24
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 430. By Fowler, Hoagland, Vickers, Wiitala, Newell

Jan. 4 1 Title. 24
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 431. By Schmit

Jan. 4 1 Title. 25
Feb. 28 35 Indefinitely postponed 1163

LEGISLATIVE BILL 441. By Vickers, Pappas

Jan. 4 1 Title. 25
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 442. By Landis

Jan. 4 1 Title. 25
Jan. 12 7 Landis motion to withdraw laid over 401
Jan. 16 8 Landis pending motion prevailed.

			Withdrawn	414

LEGISLATIVE BILL 443. By Sieck, Von Minden, Kahle

Jan	4	1	Title	25
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 444. By Sieck, Remmers

Jan.	4	1	Title	25
Jan.	20	12	Placed on General File	513
Feb.	3	20	Attorney General's Opinion to Hefner	738
Feb.	6	21	Sieck-Remmers amendment #1858 printed	778
Mar.	26	52	Remmers-Sieck amendment #2373 printed	1853
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 445. By Eret

Jan.	4	1	Title	25
Jan.	5	2	Committee amendment #0244 adopted as amended by Vickers amendment. Haberman amendment adopted	209
Jan.	5	2	Failed to advance for Review	210
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 446. By Wiitala

Jan.	4	1	Title	25
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 450. By Fowler, Cullan, Wiitala

Jan.	4	1	Title	26
Jan.	17	9	Schmit name added	457
Feb.	9	24	Wesely amendment #1911 printed	846
Feb.	21	30	Nichol priority bill	1036
Mar.	5	39	Hoagland name added	1296
Mar.	6	40	Withem name added	1346
Mar.	23	51	Schmit amendment #2600 printed	1836
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 450A. By Fowler

Jan.	4	1	Title	26
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 453. By L. Johnson

Jan.	4	1	Title	26
Jan.	11	6	Placed on General File - Com am #1629	369
Jan.	18	10	Committee amendment #1629 adopted. Advanced for Review	476
Jan.	24	14	Placed on Select File	556
Jan.	26	16	L. Johnson amendment printed	623
Feb.	16	29	L. Johnson pending amendment p. 623 adopted. H. Peterson motion to indefinitely postpone lost	998
Feb.	16	29	Failed to advance for Engrossment	999
Mar.	6	40	Advanced for Engrossment	1348
Mar.	13	45	Correctly Engrossed	1595
Mar.	13	45	ER0183 change	1596
Mar.	21	49	Failed on Final Reading 22-23-4	1744

LEGISLATIVE BILL 453A. By L. Johnson

Jan.	18	10	Read first time. Placed on General File	481
Jan.	25	15	Advanced for Review	571
Jan.	31	17	Placed on Select File	628
Mar.	6	40	Advanced for Engrossment	1349
Mar.	13	45	Correctly Engrossed	1595
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 455. By Landis

Jan.	4	1	Title	26
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 457. By Wesely

Jan.	4	1	Title	26
Mar.	7	41	Wesely amendment #2331 printed	1398
Mar.	26	52	Newell name added	1861
Mar.	26	52	Beutler amendment to amendment #2331 lost. Wesely pending amendment #2331 adopted	1862
Mar.	26	52	Beutler amendment adopted. Beutler amendment lost. Advanced for Review	1870
Mar.	28	54	Placed on Select File - AM5418	1984
Mar.	29	55	Wesely amendment #2617 to amendment #2331 printed	2046
Apr.	2	57	Remmers-Morehead amendment printed	2200
Apr.	3	58	AM5418 (E and R) adopted. Wesely pending	

amendment #2617 p. 2046 adopted.
Landis-Beutler amendment #2720
adopted. Remmers-Morehead pending
amendment p. 2200 and Newell
amendment lost. Newell motion
to suspend rules prevailed.
Advanced for Engrossment 2274
Apr. 3 58 Correctly Engrossed 2288
Apr. 3 58 ER0265 change 2289
Apr. 9 60 Final Reading w/E 47-0-2.....................2392
Apr. 9 60 Abboud explanation of vote.
Speaker signed 2431
Apr. 9 60 Presented to Governor 2444
Apr. 18 AJ Approved by Governor (4-12) 2485

LEGISLATIVE BILL 457A. By Wesely

Mar. 20 48 Read first time. Placed on General File 1706
Mar. 26 52 Wesely amendment adopted.
Advanced for Review 1871
Mar. 28 54 Placed on Select File 1984
Apr. 3 58 Wesely amendment adopted. Advanced
for Engrossment 2277
Apr. 3 58 Correctly Engrossed 2288
Apr. 3 58 ER0265 change 2289
Apr. 9 60 Final Reading w/E 47-0-2.....................2393
Apr. 9 60 Abboud explanation of vote.
Speaker signed 2431
Apr. 9 60 Presented to Governor 2444
Apr. 18 AJ Approved by Governor (4-12) 2485

LEGISLATIVE BILL 458. By Hoagland

Jan. 4 1 Title...27
Feb. 28 35 Indefinitely postponed 1163

LEGISLATIVE BILL 459. By Newell

Jan. 4 1 Title...27
Feb. 13 26 Indefinitely postponed 914

LEGISLATIVE BILL 460. By Newell

Jan. 4 1 Title...27
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 466. By Constitutional Revision and Recreation Committee

Jan.	4	1	Title	27
Feb.	6	21	Committee amendment #0181 adopted as amended by Labedz pending amendment #0445 p. 670, First Session. Labedz pending amendment #0512 p. 706, Schmit pending amendment #0507 p. 725, and DeCamp pending amendment p. 751, First Session, withdrawn. Beutler pending amendment #0523 p. 715, First Session, adopted. Vickers amendment #1900 adopted. Advanced for Review	784
Feb.	8	23	Placed on Select File - AM5249	832
Mar.	5	39	Labedz amendment #1950 printed	1338
Mar.	6	40	AM5249 (E and R) adopted. Labedz pending amendment #1950 p. 1338 adopted. Vickers amendment adopted. Advanced for Engrossment	1352
Mar.	14	46	Correctly Engrossed. ER0184 change	1628
Mar.	21	49	V. Johnson motion to return to Select File lost. Final Reading 37-8-4	1749
Mar.	21	49	Speaker signed	1761
Mar.	22	50	Presented to Governor	1771
Mar.	27	53	Returned by Governor without approval	1936
Apr.	9	60	Labedz motion to override veto prevailed 30-17-2	2444
Apr.	9	60	Communication	2463
Apr.	9	60	Certificate	2464
Apr.	18	AJ	Message from Secretary of State. Certificate	2475

LEGISLATIVE BILL 466A. By Labedz

Jan.	4	1	Title	27
Feb.	6	21	Labedz motion to indefinitely postpone prevailed	785
Feb.	16	29	Labedz motion to suspend rules to reconsider action laid over. Labedz amendment #1978 printed	991
Feb.	22	31	Labedz pending motion to suspend rules prevailed. Labedz motion to reconsider action on indefinitely postponement prevailed. Labedz pending amendment #1978 adopted. Advanced for Review	1055

Feb. 27	34	Placed on Select File - AM5301	1138
Mar. 6	40	AM5301 (E and R) adopted. Advanced for Engrossment	1352
Mar. 14	46	Correctly Engrossed	1627
Mar. 21	49	Final Reading 35-9-5	1750
Mar. 21	49	Speaker signed	1761
Mar. 22	50	Presented to Governor	1771
Mar. 27	53	Returned by Governor without approval	1936
Apr. 9	60	Labedz motion to override veto prevailed 30-16-3	2445
Apr. 9	60	Communication	2464
Apr. 9	60	Certificate	2465
Apr. 18	AJ	Message from Secretary of State	2476
Apr. 18	AJ	Certificate	2477

LEGISLATIVE BILL 467. By Newell

Jan. 4	1	Title	27
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 470. By Warner, Kilgarin, Wagner, Goodrich, L. Johnson, Kahle, Marsh, Morehead, H. Peterson

Jan. 4	1	Title	28
Jan. 25	15	Committee amendment #0584 adopted. Fowler-Wiitala-Kilgarin-Marsh amendment #0750 p. 1130, First Session, lost. V. Johnson amendment #0877 p. 1679, First Session, withdrawn. Advanced for Review	573
Feb. 1	18	Placed on Select File - AM5240	668
Feb. 28	35	V. Johnson amendment #2086 printed	1164
Feb. 28	35	V. Johnson amendment #2085 printed	1166
Feb. 28	35	Warner amendment #1913 to E and R amendment printed	1175
Mar. 8	42	Warner amendment #2306 printed	1464
Mar. 29	55	AM5240 (E and R) adopted. V. Johnson pending amendments #2086 p. 1164, #2085 p. 1166, #0877 p. 1679, First Session, and Warner pending amendment #1913 p. 1175 withdrawn. Fenger amendment adopted. V. Johnson motion to indefinitely postpone laid over	2087
Apr. 2	57	V. Johnson pending motion to indefinitely postpone withdrawn. Warner pending amendment #2306 p. 1464 and V. Johnson pending amendment #2085 p. 1166 withdrawn.	

			Warner reoffered amendment #1913 adopted. V. Johnson reoffered amendment #2086 lost. V. Johnson reoffered amendment #2085 withdrawn. Advanced for Engrossment	2172
Apr.	3	58	Correctly Engrossed. ER0243 change	2230
Apr.	9	60	Final Reading w/E 47-0-2	2393
Apr.	9	60	Abboud explanation of vote. Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 470A. By Warner

Jan.	4	1	Title	28
Jan.	25	15	Advanced for Review	575
Feb.	1	18	Placed on Select File - AM5239	669
Apr.	2	57	AM5239 (E and R) adopted. Warner amendment adopted. Advanced for Engrossment	2173
Apr.	3	58	Correctly Engrossed	2230
Apr.	9	60	Final Reading 47-0-2	2394
Apr.	9	60	Abboud explanation of vote. Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 471. By Warner, Kilgarin, Wagner, Goodrich, L. Johnson, Kahle, Marsh, Morehead, H. Peterson

Jan.	4	1	Title	28
Feb.	13	26	Placed on General File - Com am #1673	890
Mar.	2	38	Committee amendment #1673 adopted. Advanced for Review	1274
Mar.	2	38	Landis-Nichol amendment #2263 to committee amendment printed	1278
Mar.	9	43	Placed on Select File - AM5355	1500
Apr.	2	57	AM5355 (E and R) adopted. Nichol-Landis pending amendment #2263 p. 1278 adopted. Advanced for Engrossment	2173
Apr.	3	58	Correctly Engrossed	2230
Apr.	9	60	Final Reading w/E 46-0-3	2395
Apr.	9	60	Abboud explanation of vote. Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 473. By Warner, H. Peterson, L. Johnson, Kahle, Kilgarin, Marsh, Morehead, Wagner

Jan.	4	1	Title	28

Jan. 12	7	Placed on General File - Com am #1628	376
Jan. 31	17	DeCamp amendment printed	639
Feb. 15	28	Committee amendment #1628 adopted. Warner amendment adopted. Advanced for Review	971
Feb. 22	31	Placed on Select File - AM5285	1061
Mar. 9	43	AM5285 (E and R) adopted. DeCamp pending amendment p. 639 adopted. Beutler-Chronister amendment #1891 lost. Advanced for Engrossment	1491
Mar. 22	50	Correctly Engrossed. ER0194 change	1774
Apr. 2	57	DeCamp motion to return to Select File withdrawn. Final Reading w/E 44-0-5	2183
Apr. 2	57	Speaker signed	2205
Apr. 2	57	Presented to Governor	2210
Apr. 3	58	Approved by Governor (4-3)	2242

LEGISLATIVE BILL 475. By Warner, H. Peterson, Wagner, Goodrich, L. Johnson, Kilgarin, Marsh, Morehead

Jan. 4	1	Title	29
Jan. 11	6	Placed on General File - Com am #1593	365
Jan. 16	8	Corrected Committee am #1593 printed	411
Jan. 19	11	Committee amendment #1593 adopted. Advanced for Review	484
Jan. 24	14	Placed on Select File - AM5212	551
Jan. 31	17	AM5212 (E and R) adopted. Advanced for Engrossment	665
Feb. 2	19	Correctly Engrossed	716
Feb. 7	22	Final Reading w/E 47-0-2	817
Feb. 7	22	President signed	827
Feb. 8	23	Presented to Governor	830
Feb. 13	26	Approved by Governor (2-10)	887

LEGISLATIVE BILL 477. By Warner, Kilgarin, Wagner, Goodrich, L. Johnson, Kahle, Marsh, Morehead, H. Peterson

Jan. 4	1	Title	29
Jan. 10	5	Warner amendment adopted. Advanced for Review	342
Jan. 17	9	Placed on Select File - AM5193	430
Jan. 19	11	AM5193 (E and R) adopted. Warner amendment #1685 adopted. Advanced for Engrossment	488
Jan. 25	15	Correctly Engrossed. ER0146 change	573
Feb. 2	19	Final Reading w/E 44-0-5	719

Feb.	2	19	President signed	725
Feb.	2	19	Presented to Governor	730
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 477A. By Warner

Jan.	4	1	Title	29
Jan.	10	5	Warner amendment adopted. Advanced for Review	342
Jan.	17	9	Placed on Select File - AM5194	431
Jan.	19	11	AM5194 (E and R) adopted. Advanced for Engrossment	488
Jan.	25	15	Correctly Engrossed	573
Feb.	2	19	Final Reading w/E 44-0-5	720
Feb.	2	19	President signed	725
Feb.	2	19	Presented to Governor	730
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 478. By Warner, Kilgarin, Wagner, Goodrich, L. Johnson, Kahle, Marsh, Morehead, H. Peterson

Jan.	4	1	Title	29
Jan.	4	1	Corrected Committee amendment #1575 printed	163
Jan.	10	5	Committee amendment #1575 adopted. Warner amendment adopted. Advanced for Review	345
Jan.	17	9	Placed on Select File - AM5191	431
Jan.	19	11	AM5191 (E and R) adopted. Advanced for Engrossment	489
Jan.	25	15	Correctly Engrossed	573
Feb.	2	19	Final Reading w/E 45-0-4	720
Feb.	2	19	President signed	725
Feb.	2	19	Presented to Governor	730
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 478A. By Warner

Jan.	4	1	Title	30
Jan.	10	5	Warner amendment adopted. Advanced for Review	346
Jan.	17	9	Placed on Select File - AM5196	432
Jan.	19	11	AM5196 (E and R) adopted. Advanced for Engrossment	489
Jan.	25	15	Correctly Engrossed	573
Feb.	2	19	Final Reading w/E 45-0-4	721

Feb. 2	19	President signed	725
Feb. 2	19	Presented to Governor	730
Feb. 7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 480. By Warner, Kilgarin, Wagner, Goodrich, L. Johnson, Kahle, Marsh, Morehead, H. Peterson

Jan. 4	1	Title	30
Jan. 11	6	Placed on General File - Com am #1594	365
Jan. 19	11	Committee amendment #1594 adopted. Advanced for Review	484
Jan. 24	14	Placed on Select File - AM5213	551
Jan. 31	17	AM5213 (E and R) adopted. Advanced for Engrossment	665
Feb. 2	19	Correctly Engrossed	716
Feb. 3	20	V. Johnson amendment #1849 to committee amendment printed	758
Feb. 7	22	V. Johnson motion to return to Select File prevailed. V. Johnson pending amendment #1849 adopted. Advanced for Re-Engrossment	818
Feb. 10	25	Correctly Re-Engrossed. ER0163 change	881
Feb. 23	32	Final Reading w/E 48-0-1	1088
Feb. 23	32	President signed	1100
Feb. 23	32	Presented to Governor	1103
Feb. 24	33	Approved by Governor (2-24)	1114

LEGISLATIVE BILL 481. By Warner, Marsh, Goodrich, L. Johnson, Kilgarin, H. Peterson, Morehead, Kahle

Jan. 4	1	Title	30
Jan. 17	9	Committee amendment #0738 adopted as amended by Warner. Advanced for Review	442
Jan. 23	13	Placed on Select File - AM5210	534
Jan. 31	17	Fenger amendment #1811 to committee amendment printed. Fenger amendment #1750 printed	639
Feb. 6	21	AM5210 (E and R) adopted. Fenger pending amendment #1811 adopted. Warner amendment to committee amendment adopted. Fenger pending amendment #1750 adopted as amended by Fenger amendment. Warner amendment adopted. Advanced for Engrossment	790
Feb. 10	25	Correctly Engrossed. ER0161 change	868
Feb. 23	32	Final Reading w/E 48-0-1	1089
Feb. 23	32	President signed	1100

Feb.	23	32	Presented to Governor	1103
Feb.	24	33	Approved by Governor (2-24)	1114

LEGISLATIVE BILL 481A. By Warner

Jan.	4	1	Title	31
Jan.	17	9	Advanced for Review	443
Jan.	17	9	Warner motion to withdraw laid over	444
Jan.	18	10	Warner pending motion prevailed. Withdrawn	461

LEGISLATIVE BILL 482. By Higgins

Jan.	4	1	Title	31
Jan.	4	1	Higgins amendment #1598 printed	175
Jan.	9	4	Committee amendment #0600 adopted. Higgins pending amendment #1598 adopted. Advanced for Review	289
Jan.	11	6	Placed on Select File - AM5178	354
Jan.	19	11	AM5178 (E and R) adopted. Advanced for Engrossment	488
Jan.	25	15	Correctly Engrossed. ER0145 change	573
Feb.	2	19	Final Reading 41-1-7	722
Feb.	2	19	President signed	725
Feb.	2	19	Presented to Governor	730
Feb.	3	20	Higgins explanation of vote	735
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 485. By Pirsch

Jan.	4	1	Title	31
Feb.	28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 489. By Landis, V. Johnson

Jan.	4	1	Title	31
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 491. By V. Johnson

Jan.	4	1	Title	31
Jan.	20	12	Indefinitely postponed	513

LEGISLATIVE BILL 492. By V. Johnson

Jan.	4	1	Title	31

Jan.	5	2	Committee amendment #0363 adopted. Advanced for Review	221
Jan.	9	4	Placed on Select File - AM5169	306
Jan.	16	8	AM5169 (E and R) adopted. Advanced for Engrossment	421
Jan.	23	13	Correctly Engrossed	535
Mar.	30	56	Final Reading 42-0-7	2155
Mar.	30	56	Speaker signed	2161
Apr.	2	57	Presented to Governor	2165
Apr.	9	60	Approved by Governor (4-5)	2388

LEGISLATIVE BILL 496. By V. Johnson

Jan.	4	1	Title	31
Jan.	17	9	Failed to advance for Review	443
Feb.	2	19	V. Johnson amendment printed	725
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 500. By Schmit, Barrett, Sieck

Jan.	4	1	Title	31
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 500A. By Schmit

Jan.	4	1	Title	32
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 502. By Schmit, Pappas

Jan.	4	1	Title	32
Jan.	12	7	Indefinitely postponed	381

LEGISLATIVE BILL 503. By Schmit

Jan.	4	1	Title	32
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 503A. By Schmit

Jan.	4	1	Title	32
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 504. By Schmit

Jan. 4	1	Title	32
Jan. 16	8	Placed on General File	417
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 507. By Beutler

Jan. 4	1	Title	32
Jan. 9	4	Committee amendment #0762 adopted. Beutler amendment #1620 adopted. Advanced for Review	311
Jan. 12	7	Placed on Select File - AM5186	408
Jan. 17	9	AM5186 (E and R) adopted. Beutler amendment #1651 adopted. Advanced for Engrossment	449
Jan. 24	14	Correctly Engrossed	553
Mar. 30	56	Final Reading 38-5-6	2155
Mar. 30	56	Speaker signed	2161
Apr. 2	57	Presented to Governor	2165
Apr. 9	60	Returned by Governor without approval	2390

LEGISLATIVE BILL 507A. By Beutler

Jan. 9	4	Read first time. Placed on General File	302
Jan. 25	15	Beutler amendment adopted. Advanced for Review	571
Jan. 31	17	Placed on Select File	628
Feb. 6	21	Beutler amendment adopted. Advanced for Engrossment	794
Feb. 8	23	Correctly Engrossed	838
Mar. 30	56	Final Reading 35-6-8	2156
Mar. 30	56	Speaker signed	2161
Apr. 2	57	Presented to Governor	2165
Apr. 9	60	Returned by Governor without approval	2390

LEGISLATIVE BILL 510. By Beutler

Jan. 4	1	Title	32
Jan. 9	4	Advanced for Review	309
Jan. 10	5	Correction	324
Jan. 12	7	Placed on Select File - AM5184	406
Jan. 17	9	AM5184 (E and R) adopted. Beutler amendment #1664 adopted. Advanced for Engrossment	448
Jan. 24	14	Correctly Engrossed	553

Jan.	26	16	Nichol motion to suspend rules prevailed	598
Jan.	26	16	Final Reading 44-1-4	607
Jan.	26	16	Speaker signed	612
Jan.	26	16	Presented to Governor	621
Jan.	26	16	Jacobson explanation of vote	622
Feb.	1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 513. By Abboud

Jan.	4	1	Title	33
Feb.	9	24	Indefinitely postponed	859

LEGISLATIVE BILL 514. By Cullan

Jan.	4	1	Title	33
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 516. By Doyle, Labedz

Jan.	4	1	Title	33
Feb.	13	26	Placed on General File - Com am #1674	890
Mar.	1	37	Withem name added	1250
Mar.	2	38	Landis amendment printed	1266
Mar.	2	38	Committee amendment #1674 adopted. Advanced for Review	1274
Mar.	12	44	Placed on Select File - AM5359	1523
Apr.	2	57	AM5359 (E and R) adopted. Landis pending amendment p. 1266 adopted. Advanced for Engrossment	2174
Apr.	3	58	Correctly Engrossed. ER0244 change	2230
Apr.	9	60	Final Reading w/E 47-0-2	2396
Apr.	9	60	Abboud explanation of vote. Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 516A. By Landis

Mar.	2	38	Read first time. Placed on General File	1266
Mar.	6	40	Advanced for Review	1347
Mar.	13	45	Placed on Select File	1586
Apr.	2	57	Advanced for Engrossment	2174
Apr.	3	58	Correctly Engrossed	2230
Apr.	9	60	Final Reading w/E 47-0-2	2397
Apr.	9	60	Abboud explanation of vote. Speaker signed	2431

Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 517. By Fenger

Jan.	4	1	Title	33
Jan.	9	4	Indefinitely postponed	314

LEGISLATIVE BILL 518. By Kahle

Jan.	4	1	Title	33
Feb.	13	26	Indefinitely postponed	914

LEGISLATIVE BILL 525. By Schmit, Kilgarin, Chronister

Jan.	4	1	Title	33
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 526. By Nebraska Retirement Systems Committee

Jan.	4	1	Title	34
Jan.	9	4	Committee amendment #0283 adopted as amended by Wesely. Beutler and Haberman amendments adopted. Failed to advance for Review	290
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 526A. By Fowler

Jan.	4	1	Title	34
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 527. By Appropriations Committee

Jan.	4	1	Title	34
Jan.	17	9	Committee amendment #0717 adopted. Advanced for Review	442
Jan.	23	13	Placed on Select File - AM5209	534
Jan.	25	15	Warner amendment printed	579
Jan.	31	17	AM5209 (E and R) adopted. Warner pending amendment adopted. Advanced for Engrossment	665
Feb.	2	19	Correctly Engrossed	716
Feb.	2	19	ER0156 change	717
Feb.	7	22	Final Reading w/E 47-0-2	818
Feb.	7	22	President signed	827

Feb.	8	23	Presented to Governor	830
Feb.	13	26	Approved by Governor (2-10)	887

LEGISLATIVE BILL 528. By Warner

Jan.	4	1	Title	34
Feb.	28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 529. By Warner

Jan.	4	1	Title	35
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 530. By Warner

Jan.	4	1	Title	35
Feb.	16	29	Warner priority bill	1003
Mar.	5	39	Warner amendment #2289 printed	1334
Mar.	20	48	Warner amendment #2522 printed	1703
Mar.	23	51	Committee amendment #0884 lost. Warner amendment #2558 adopted. Warner pending amendments #2289 p. 1334 and #2522 p. 1703 withdrawn. Haberman-R. Johnson motion to indefinitely postpone lost	1840
Mar.	27	53	Sieck amendment lost. Failed to advance for Review	1917
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 534. By Agriculture and Environment Committee

Jan.	4	1	Title	35
Jan.	16	8	Indefinitely postponed	412

LEGISLATIVE BILL 540. By Wesely

Jan.	4	1	Title	35
Jan.	9	4	Committee amendment #0633 adopted. Advanced for Review	309
Jan.	12	7	Placed on Select File - AM5183	401
Jan.	17	9	AM5183 (E and R) adopted. Wesely amendment #1652 adopted. Advanced for Engrossment	448
Jan.	24	14	Correctly Engrossed	553
Jan.	24	14	ER0140 change	554

Jan.	26	16	Nichol motion to suspend rules prevailed	598
Jan.	26	16	Final Reading 43-0-6	608
Jan.	26	16	Speaker signed	612
Jan.	26	16	Presented to Governor	621
Jan.	26	16	Jacobson explanation of vote	622
Feb.	1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 543. By Wesely

Jan.	4	1	Title	35
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 544. By Doyle, Labedz

Jan.	4	1	Title	35
Jan.	31	17	Withem name added	664
Feb.	13	26	Indefinitely postponed	914

LEGISLATIVE BILL 545. By Public Works Committee and Beutler

Jan.	4	1	Title	35
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 551. By Eret, Wiitala

Jan.	4	1	Title	36
Feb.	1	18	Committee amendment #0829 adopted. Beutler motion to indefinitely postpone pending	703
Feb.	2	19	Beutler pending motion to indefinitely postpone prevailed	732

LEGISLATIVE BILL 552. By Fowler, Cullan

Jan.	4	1	Title	36
Feb.	3	20	Indefinitely postponed	738

LEGISLATIVE BILL 553. By Chambers

Jan.	4	41	Title	36
Feb.	15	28	Chambers priority bill	958
Mar.	21	49	Chambers amendment printed	1727
Mar.	21	49	Chambers-Wesely amendment #2565 printed	1760
Mar.	27	53	Chambers pending amendment p. 1727 and Chambers-Wesely pending amendment #2565 p. 1760 adopted. Advanced for Review	1927

Mar. 30	56	Placed on Select File - AM5426	2093
Apr. 3	58	AM5426 (E and R) adopted. Wesely-Chambers amendment #2721 adopted. Advanced for Engrossment	2265
Apr. 3	58	Correctly Engrossed	2280
Apr. 9	60	Final Reading 28-19-2	2398
Apr. 9	60	Abboud explanation of vote. Speaker signed	2431
Apr. 9	60	Presented to Governor	2444
Apr. 18	AJ	Approved by Governor (4-10)	2479

LEGISLATIVE BILL 554. By DeCamp

Jan. 4	1	Title	36
Jan. 18	10	Indefinitely postponed	460

LEGISLATIVE BILL 558. By DeCamp

Jan. 4	1	Title	36
Feb. 28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 559. By Schmit, DeCamp, Clark, Beyer

Jan. 4	1	Title	36
Feb. 28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 560. By Wesely, Hannibal, H. Peterson, Abboud

Jan. 4	1	Title	37
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 561. By DeCamp

Jan. 4	1	Title	37
Jan. 12	7	Notice of hearing (1-24) (rehearing)	389
Feb. 14	27	Clark priority bill	936
Feb. 27	34	Placed on General File - Com am #2106	1152
Mar. 7	41	Clark amendment #2328 to committee amendment printed	1396
Mar. 8	42	Committee amendment #2106 adopted as amended by Clark pending amendment #2328. Advanced for Review	1432
Mar. 8	42	Morehead amendment #2367 to committee amendment printed	1448
Mar. 20	48	Placed on Select File - AM5390	1675
Mar. 21	49	V. Johnson amendment #2569 to	

		committee amendment printed	1764
Mar. 26	52	Hoagland amendment to committee amendment printed	1879
Mar. 27	53	Withem amendment #2631 to amendment #2328 printed	1929
Mar. 27	53	DeCamp amendment #2643 printed	1930
Mar. 28	54	AM5390 (E and R) adopted. Morehead pending amendment #2367 p. 1448 adopted. Beutler amendment adopted as amended by DeCamp. Withem pending amendment #2631 p. 1929, Nichol amendment, V. Johnson pending amendment #2569 p. 1764, DeCamp amendment, and Hoagland-R. Peterson amendment #2632 lost	1974
Mar. 28	54	Hoagland pending amendment p. 1879 and DeCamp pending amendment #2643 p. 1930 withdrawn. Withem and DeCamp amendments adopted. Advanced for Engrossment	1985
Mar. 28	54	Clark name added	1988
Apr. 2	57	Correctly Engrossed. ER0229 change	2170
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	V. Johnson motion to return to Select File lost. Failed on Final Reading 22-23-4	2353
Apr. 9	60	Pappas motion to reconsider action prevailed	2451
Apr. 9	60	Final Reading 25-20-4	2452
Apr. 9	60	Speaker signed	2454
Apr. 18	AJ	Presented to Governor	2470
Apr. 18	AJ	Returned by Governor without approval	2491

LEGISLATIVE BILL 564. By Executive Board Committee

Jan. 4	1	Title	37
Jan. 9	4	Committee amendment #0807 adopted. Advanced for Review	318
Jan. 12	7	Placed on Select File - AM5188	409
Jan. 18	10	AM5188 (E and R) adopted. Advanced for Engrossment	472
Jan. 24	14	Correctly Engrossed	562
Jan. 26	16	Nichol motion to suspend rules prevailed	598
Jan. 26	16	Final Reading 45-1-3	608
Jan. 26	16	Speaker signed	612
Jan. 26	16	Presented to Governor	621
Jan. 26	16	Jacobson explanation of vote	622
Feb. 1	18	Approved by Governor (1-31)	671

LEGISLATIVE BILL 568. By Education Committee

Jan.	4	1	Title	37
Jan.	24	14	Advanced for Review	559
Jan.	31	17	Placed on Select File - AM5231	626
Feb.	13	26	AM5231 (E and R) adopted. Beutler amendment lost	893
Feb.	13	26	Advanced for Engrossment	903
Feb.	15	28	Correctly Engrossed. ER0165 change	982
Apr.	5	59	Final Reading 36-11-2	2354
Apr.	5	59	Speaker signed. Presented to Governor	2385
Apr.	9	60	Returned by Governor without approval	2420
Apr.	9	60	Vickers motion to override veto lost 16-23-10	2459

LEGISLATIVE BILL 568A. By Vickers

Jan.	4	1	Title	37
Jan.	24	14	Vickers amendments adopted. Advanced for Review	559
Jan.	31	17	Placed on Select File - AM5232	627
Feb.	13	26	AM5232 (E and R) adopted. Advanced for Engrossment	904
Feb.	15	28	Correctly Engrossed	982
Mar.	30	56	Returned to Select File for Vickers amendment. Vickers amendment adopted. Advanced for Re-Engrossment	2157
Apr.	2	57	Correctly Re-Engrossed	2187
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 30-16-3	2355
Apr.	5	59	Speaker signed. Presented to Governor	2385
Apr.	9	60	Returned by Governor without approval	2420

LEGISLATIVE BILL 569. By Hoagland

Jan.	4	1	Title	37
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 576. By Schmit

Jan.	4	1	Title	38
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 578. By Fowler, Doyle

Jan.	4	1	Title	38
Feb.	28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 580. By Haberman, Wiitala, Eret, R. Peterson, Pappas, Remmers, Chronister

Jan.	4	1	Title	38
Jan.	16	8	Indefinitely postponed	413

LEGISLATIVE BILL 581 By Barrett, Vickers, Warner, Labedz

Jan.	4	1	Title	38
Feb.	28	35	Indefinitely postponed	1171

LEGISLATIVE BILL 582. By Fowler, DeCamp

Jan.	4	1	Title	38
Jan.	16	8	Indefinitely postponed	412

LEGISLATIVE BILL 586. By Schmit, DeCamp

Jan.	4	1	Title	39
Mar.	6	40	Indefinitely postponed	1382

LEGISLATIVE BILL 590. By Chronister

Jan.	4	1	Title	39
Jan.	12	7	Committee amendment #1220 adopted. Advanced for Review	397
Jan.	20	12	Placed on Select File - AM5205	525
Jan.	24	14	Advanced for Engrossment	566
Jan.	31	17	Correctly Engrossed. ER0151 change	638
Feb.	3	20	Final Reading 45-0-4	746
Feb.	3	20	President signed	762
Feb.	6	21	Presented to Governor. Higgins explanation of vote	771
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 591. By Law Enforcement and Justice Advisory Committee

Jan.	4	1	Title	39
Jan.	10	5	Committee amendment #0822 adopted. Advanced for Review	333

Jan. 16 8 Placed on Select File 417
Feb. 16 29 Advanced for Engrossment 998
Feb. 27 34 Correctly Engrossed. ER0168 change 1136
Mar. 1 37 Final Reading w/E 42-0-7....1208
Mar. 1 37 President signed....1217
Mar. 1 37 Presented to Governor 1221
Mar. 2 38 Approved by Governor (3-2) 1272
Mar. 2 38 Abboud explanation of vote....1273

LEGISLATIVE BILL 595. By Hoagland

Jan. 4 1 Title....39
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 596. By Hoagland

Jan. 4 1 Title....39
Feb. 28 35 Indefinitely postponed 1163

LEGISLATIVE BILL 597. By Schmit, Fowler, V. Johnson, Kilgarin, DeCamp, Kahle, Hefner, Carsten, Chambers

Jan. 4 1 Title....40
Mar. 6 40 Indefinitely postponed 1382

LEGISLATIVE BILL 598. By Schmit

Jan. 4 1 Title....40
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 601. By Speaker Nichol at request of Governor

Jan. 4 1 Title....40
Feb. 28 35 Indefinitely postponed 1171

LEGISLATIVE BILL 606. By Speaker Nichol at request of Governor

Jan. 4 1 Title....40
Feb. 15 28 Indefinitely postponed 956

LEGISLATIVE BILL 623. By Government, Military and Veterans Affairs Committee

Jan. 4 1 Title....41
Jan. 10 5 Committee amendment #0927 adopted.
Labedz amendment #1632 adopted 346

Jan.	10	5	Landis amendment #1626 adopted. Advanced for Review	347
Jan.	17	9	Placed on Select File - AM5197	432
Jan.	19	11	AM5197 (E and R) adopted. Landis amendment #1682 adopted. Laid over	489
Jan.	20	12	Chambers amendment withdrawn	531
Jan.	24	14	Labedz amendment #1684 adopted. Chambers amendment lost. Advanced for Engrossment	564
Jan.	31	17	Correctly Engrossed. ER0150 change	630
Feb.	3	20	Returned to Select File for Kilgarin amendment. Amendment ruled germane. Kilgarin pending amendment #1773 adopted. Advanced for Re-Engrossment	747
Feb.	7	22	Correctly Re-Engrossed. ER0158 change	813
Feb.	14	27	Final Reading 37-2-10	940
Feb.	14	27	President signed	949
Feb.	15	28	Presented to Governor	957
Feb.	21	30	Approved by Governor (2-17)	1007

LEGISLATIVE BILL 625. By Law Enforcement and Justice Advisory Committee

Jan.	4	1	Title	41
Jan.	10	5	Committee amendment #0823 adopted. Advanced for Review	333
Jan.	16	8	Placed on Select File - AM5190	417
Feb.	1	18	AM5190 (E and R) adopted. Advanced for Engrossment	702
Feb.	2	19	Correctly Engrossed	728
Feb.	7	22	Final Reading w/E 43-1-5	819
Feb.	7	22	President signed	827
Feb.	8	23	Presented to Governor	830
Feb.	13	26	Approved by Governor (2-10)	887

LEGISLATIVE BILL 631. By DeCamp, Chronister, Pappas

Jan.	4	1	Title	41
Jan.	10	5	Passed over	347
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 633. By Executive Board Committee

Jan.	4	1	Read first time	137
Jan.	5	2	Placed on General File	210
Jan.	12	7	Advanced for Review	381

Jan. 20	12	Placed on Select File - AM5203	524
Jan. 24	14	AM5203 (E and R) adopted. Advanced for Engrossment	565
Jan. 31	17	Correctly Engrossed	630
Feb. 3	20	Final Reading 44-0-5	748
Feb. 3	20	President signed	762
Feb. 6	21	Presented to Governor	771
Feb. 7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 634. By Executive Board Committee

Jan. 4	1	Read first time	137
Jan. 5	2	Placed on General File	210
Jan. 12	7	Advanced for Review	381
Jan. 20	12	Placed on Select File	524
Jan. 24	14	Advanced for Engrossment	565
Jan. 31	17	Correctly Engrossed	630
Feb. 3	20	Final Reading 43-0-6	749
Feb. 3	20	President signed	762
Feb. 6	21	Presented to Governor	771
Feb. 7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 635. By Executive Board Committee

Jan. 4	1	Read first time	137
Jan. 5	2	Placed on General File	210
Jan. 12	7	Advanced for Review	381
Jan. 20	12	Placed on Select File	524
Jan. 24	14	Advanced for Engrossment	565
Jan. 31	17	Correctly Engrossed	630
Feb. 3	20	Final Reading 45-0-4	750
Feb. 3	20	President signed	762
Feb. 6	21	Presented to Governor	771
Feb. 7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 636. By Executive Board Committee

Jan. 4	1	Read first time	137
Jan. 5	2	Placed on General File	210
Jan. 12	7	Advanced for Review	381
Jan. 20	12	Placed on Select File	524
Jan. 24	14	Advanced for Engrossment	565
Jan. 31	17	Correctly Engrossed	630
Feb. 3	20	Final Reading 45-0-4	751
Feb. 3	20	President signed	762
Feb. 6	21	Presented to Governor	771

Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 637. By Executive Board Committee

Jan.	4	1	Read first time	138
Jan.	5	2	Placed on General File	210
Jan.	12	7	Advanced for Review	381
Jan.	20	12	Placed on Select File	524
Jan.	24	14	Advanced for Engrossment	565
Jan.	31	17	Correctly Engrossed	630
Feb.	3	20	Final Reading 45-0-4	751
Feb.	3	20	President signed	762
Feb.	6	21	Presented to Governor	771
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 638. By Executive Board Committee

Jan.	4	1	Read first time	138
Jan.	5	2	Placed on General File	210
Jan.	12	7	Advanced for Review	382
Jan.	20	12	Placed on Select File	524
Jan.	24	14	Advanced for Engrossment	566
Jan.	31	17	Correctly Engrossed	638
Feb.	3	20	Final Reading 45-0-4	752
Feb.	3	20	President signed	762
Feb.	6	21	Presented to Governor	771
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 639. By Executive Board Committee

Jan.	4	1	Read first time	138
Jan.	5	2	Placed on General File	210
Jan.	12	7	Advanced for Review	382
Jan.	20	12	Placed on Select File	524
Jan.	24	14	Advanced for Engrossment	566
Jan.	31	17	Correctly Engrossed	638
Feb.	3	20	Final Reading 45-0-4	753
Feb.	3	20	President signed	762
Feb.	6	21	Presented to Governor	771
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 640. By Executive Board Committee

Jan.	4	1	Read first time	138
Jan.	5	2	Placed on General File	210
Jan.	12	7	Advanced for Review	382

Jan.	20	12	Placed on Select File	524
Jan.	24	14	Advanced for Engrossment	566
Jan.	31	17	Correctly Engrossed	638
Feb.	3	20	Final Reading 45-0-4	753
Feb.	3	20	President signed	762
Feb.	6	21	Presented to Governor	771
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 641. By Executive Board Committee

Jan.	4	1	Read first time	138
Jan.	5	2	Placed on General File	210
Jan.	12	7	Advanced for Review	382
Jan.	20	12	Placed on Select File	524
Jan.	24	14	Advanced for Engrossment	566
Jan.	31	17	Correctly Engrossed	638
Feb.	3	20	Final Reading 45-0-4	754
Feb.	3	20	President signed	762
Feb.	6	21	Presented to Governor	771
Feb.	7	22	Approved by Governor (2-7)	815

LEGISLATIVE BILL 642. By Executive Board Committee

Jan.	4	1	Read first time	138
Jan.	5	2	Placed on General File	210
Jan.	12	7	Scofield amendment #1646 pending	382
Jan.	12	7	Referred to Reference Committee	386
Jan.	17	9	Referred to Education Committee	450
Jan.	26	16	Notice of hearing (2-13)	612
Feb.	23	32	Placed on General File	1098
Mar.	2	38	Scofield pending amendment #1646 p. 382 withdrawn. Advanced for Review	1258
Mar.	6	40	Placed on Select File	1360
Mar.	9	43	Advanced for Engrossment	1484
Mar.	20	48	Correctly Engrossed	1695
Mar.	29	55	Final Reading 49-0-0	2073
Mar.	29	55	Speaker signed	2087
Mar.	30	56	Presented to Governor	2093
Apr.	3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 643. By Goodrich

Jan.	4	1	Read first time	138
Jan.	5	2	Referred to Committee on Banking, Commerce and Insurance	210
Jan.	6	3	Notice of hearing (1-17)	255

Jan.	20	12	Placed on General File	512
Jan.	23	13	Advanced for Review	538
Jan.	26	16	Placed on Select File - AM5224	619
Feb.	2	19	AM5224 (E and R) adopted. Advanced for Engrossment	731
Feb.	3	20	Correctly Engrossed	761
Feb.	9	24	Final Reading w/E 33-0-16	851
Feb.	9	24	President signed	855
Feb.	9	24	Haberman explanation of vote	859
Feb.	10	25	Presented to Governor. V. Johnson explanation of vote	864
Feb.	13	26	Approved by Governor (2-10)	888

LEGISLATIVE BILL 644. By Goodrich

Jan.	4	1	Read first time	139
Jan.	5	2	Referred to Committee on Education	210
Jan.	9	4	Notice of hearing (1-16)	297
Jan.	31	17	Placed on General File	637
Feb.	10	25	Advanced for Review	871
Feb.	14	27	Placed on Select File - AM5259	931
Feb.	24	33	AM5259 (E and R) adopted. Advanced for Engrossment	1125
Mar.	2	38	Correctly Engrossed	1274
Mar.	7	41	Final Reading w/E 47-0-2	1406
Mar.	7	41	Speaker signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 645. By Harris

Jan.	4	1	Read first time	139
Jan.	5	2	Referred to Committee on Education	210
Jan.	9	4	Notice of hearing (1-17)	297
Feb.	3	20	Placed on General File - Com am #1770	760
Feb.	9	24	Harris amendment #1912 printed	859
Feb.	16	29	Harris priority bill	1002
Feb.	28	35	Committee amendment #1770 adopted. Harris pending amendment #1912 p. 859 adopted. Advanced for Review	1173
Feb.	29	36	Correction	1183
Mar.	5	39	Placed on Select File - AM5327	1287
Mar.	7	41	AM5327 (E and R) adopted. Advanced for Engrossment	1394
Mar.	20	48	Correctly Engrossed	1663
Apr.	5	59	Final Reading 42-4-3	2356

Apr. 5	59	Speaker signed. Presented to Governor	2385
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 645A. By Harris

Feb. 27	34	Read first time. Placed on General File	1155
Mar. 6	40	Advanced for Review	1347
Mar. 13	45	Placed on Select File	1586
Apr. 2	57	Advanced for Engrossment	2166
Apr. 2	57	Correctly Engrossed	2210
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading 42-3-4	2357
Apr. 5	59	Speaker signed. Presented to Governor	2385
Apr. 9	60	Returned by Governor without approval	2430

LEGISLATIVE BILL 646. By Haberman

Jan. 4	1	Read first time	139
Jan. 5	2	Referred to Committee on Revenue	210
Jan. 9	4	Haberman motion to withdraw laid over	297
Jan. 10	5	Haberman pending motion prevailed. Withdrawn	331

LEGISLATIVE BILL 647. By Haberman

Jan. 4	1	Read first time	139
Jan. 5	2	Referred to Committee on Government, Military and Veterans Affairs	210
Jan. 6	3	Notice of hearing (1-26)	235
Jan. 10	5	Rereferred to Committee on Public Works	348
Jan. 10	5	Notice of hearing (cancelled)	352
Jan. 16	8	Notice of hearing (1-26) (reset)	413
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 648. By Withem

Jan. 4	1	Read first time	139
Jan. 5	2	Referred to Committee on Government, Military and Veterans Affairs	210
Jan. 6	3	Notice of hearing (1-19)	235
Jan. 20	12	Indefinitely postponed	532

LEGISLATIVE BILL 649. By Withem

Jan. 4	1	Read first time	139
Jan. 5	2	Referred to Committee on Revenue	210

Jan.	20	12	Notice of hearing (1-31)	513
Mar.	6	40	Indefinitely postponed	1382

LEGISLATIVE BILL 650. By Withem

Jan.	4	1	Read first time	140
Jan.	5	2	Referred to Committee on Judiciary	210
Jan.	9	4	Notice of hearing (1-18)	305
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 651. By Withem

Jan.	4	1	Read first time	140
Jan.	5	2	Referred to Committee on Business and Labor	211
Jan.	9	4	Notice of hearing (1-25)	314
Feb.	21	30	Indefinitely postponed	1037

LEGISLATIVE BILL 652. By Withem

Jan.	4	1	Read first time	140
Jan.	5	2	Referred to Committee on Banking, Commerce and Insurance	211
Jan.	6	3	Notice of hearing (1-16)	254
Jan.	23	13	Placed on General File - Com am #1743	544
Jan.	24	14	Newell amendment to committee amendment printed	568
Feb.	24	33	Committee amendment #1743, (1) and (2), adopted as amended by Withem. Newell pending amendment p. 568 withdrawn. Advanced for Review	1116
Mar.	1	37	Placed on Select File - AM5321	1226
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 653. By Warner

Jan.	4	1	Read first time	140
Jan.	5	2	Referred to Committee on Nebraska Retirement Systems	211
Jan.	16	8	Notice of hearing (1-25)	423
Feb.	7	22	Placed on General File	813
Feb.	10	25	Advanced for Review	877
Feb.	16	29	Placed on Select File - AM5273	985
Feb.	24	33	AM5273 (E and R) adopted. Advanced for Engrossment	1126
Mar.	2	38	Correctly Engrossed	1274
Mar.	7	41	Final Reading w/E 46-0-3	1407

Mar. 7	41	Speaker signed	1424
Mar. 8	42	Presented to Governor	1430
Mar. 12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 654. By Haberman

Jan. 4	1	Read first time	140
Jan. 5	2	Referred to Committee on Public Works	211
Jan. 10	5	Notice of hearing (1-19)	342
Jan. 31	17	Indefinitely postponed	634
Jan. 31	17	Attorney General's Opinion to Schmit	648

LEGISLATIVE BILL 655. By Haberman

Jan. 4	1	Read first time	140
Jan. 5	2	Referred to Committee on Revenue	211
Jan. 16	8	Notice of hearing (1-23)	416
Jan. 31	17	Indefinitely postponed	651

LEGISLATIVE BILL 656. By Haberman

Jan. 4	1	Read first time	140
Jan. 5	2	Referred to Committee on Revenue	211
Jan. 9	4	Haberman motion to withdraw laid over	297
Jan. 10	5	Haberman pending motion prevailed. Withdrawn	331

LEGISLATIVE BILL 657. By Sieck

Jan. 4	1	Read first time	141
Jan. 5	2	Referred to Committee on Judiciary	211
Jan. 9	4	Notice of hearing (1-16)	305
Jan. 24	14	Placed on General File - Com am #1756	568
Feb. 13	26	Abboud name added	917
Feb. 15	28	Committee amendment #1756 adopted as amended by Beutler amendment #1984. Advanced for Review	972
Feb. 22	31	Placed on Select File - AM5287	1078
Feb. 24	33	AM5287 (E and R) adopted. Advanced for Engrossment	1127
Mar. 5	39	Correctly Engrossed	1286
Mar. 9	43	Final Reading 44-0-5	1468
Mar. 9	43	Speaker signed	1478
Mar. 9	43	Presented to Governor	1490
Mar. 15	47	Approved by Governor (3-15)	1651

LEGISLATIVE BILL 658. By Sieck

Jan.	4	1	Read first time	141
Jan.	5	2	Referred to Committee on Public Works	211
Jan.	10	5	Notice of hearing (1-20)	343
Jan.	23	13	Haberman name added	537
Jan.	26	16	Placed on General File - Com am #1778	613
Feb.	15	28	Committee amendment #1778 adopted. Advanced for Review	973
Feb.	22	31	Placed on Select File - AM5292	1078
Mar.	2	38	AM5292 (E and R) adopted. Advanced for Engrossment	1268
Mar.	9	43	Correctly Engrossed. ER0181 change	1504
Mar.	14	46	Final Reading 41-0-8	1607
Mar.	14	46	Speaker signed	1611
Mar.	14	46	Presented to Governor	1622
Mar.	20	48	Approved by Governor (3-19)	1667

LEGISLATIVE BILL 659. By Sieck

Jan.	4	1	Read first time	141
Jan.	5	2	Referred to Committee on Government, Military and Veterans Affairs	211
Jan.	6	3	Notice of hearing (1-26)	235
Jan.	31	17	Placed on General File	650
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 660. By Marsh

Jan.	4	1	Read first time	141
Jan.	5	2	Referred to Committee on Revenue	211
Jan.	9	4	Notice of hearing (1-16)	314
Jan.	31	17	Placed on General File - Com am #1813	650
Feb.	24	33	Committee amendment #1813 adopted. Advanced for Review	1117
Feb.	29	36	Marsh amendment #2133 printed	1183
Mar.	1	37	Placed on Select File - AM5319	1230
Mar.	6	40	Pappas amendment printed	1386
Apr.	3	58	AM5319 (E and R) adopted. Marsh pending amendment #2133 p. 1183 adopted. Pappas pending amendment p. 1386 withdrawn. Advanced for Engrossment	2285
Apr.	3	58	Correctly Engrossed	2288
Apr.	3	58	ER0265 change	2289
Apr.	9	60	Final Reading 45-0-4	2398

Apr.	9	60	Abboud explanation of vote. Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 661. By Withem

Jan.	4	1	Read first time	141
Jan.	5	2	Referred to Committee on Government, Military and Veterans Affairs	211
Jan.	6	3	Notice of hearing (2-2)	235
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 662. By Clark

Jan.	4	1	Read first time	141
Jan.	5	2	Referred to Committee on Agriculture and Environment	211
Jan.	12	7	Notice of hearing (1-19)	391
Feb.	15	28	Indefinitely postponed	970

LEGISLATIVE BILL 663. By Executive Board Committee

Jan.	4	1	Read first time	142
Jan.	5	2	Referred to Committee on Government, Military and Veterans Affairs	211
Jan.	6	3	Notice of hearing (1-19)	235
Jan.	20	12	Placed on General File - Com am #1727	532
Jan.	25	15	Committee amendment #1727 adopted. Advanced for Review	575
Feb.	1	18	Placed on Select File	670
Feb.	6	21	Advanced for Engrossment	795
Feb.	8	23	Correctly Engrossed	838
Feb.	14	27	Final Reading w/E 37-0-12	939
Feb.	14	27	President signed	949
Feb.	15	28	Presented to Governor	957
Feb.	21	30	Approved by Governor (2-17)	1007

LEGISLATIVE BILL 664. By V. Johnson, Warner, Carsten

Jan.	4	1	Read first time	142
Jan.	5	2	Referred to Committee on Revenue	211
Jan.	10	5	Notice of hearing (1-18)	329
Jan.	20	12	Placed on General File	513
Jan.	23	13	Advanced for Review	539
Jan.	26	16	Placed on Select File	619

Feb.	2	19	Advanced for Engrossment	731
Feb.	6	21	Correctly Engrossed	770
Feb.	9	24	Failed on Final Reading w/E 32-2-15 Final Reading 32-2-15	852
Feb.	9	24	V. Johnson motion to reconsider action prevailed. Final Reading w/E 44-0-5	857
Feb.	9	24	President signed	858
Feb.	9	24	Haberman explanation of vote	859
Feb.	10	25	Presented to Governor. V. Johnson explanation of vote	864
Feb.	13	26	Approved by Governor (2-10)	888

LEGISLATIVE BILL 665. By H. Peterson

Jan.	4	1	Read first time	142
Jan.	5	2	Referred to Committee on Education	211
Jan.	9	4	Notice of hearing (1-17)	297
Feb.	23	32	Placed on General File - Com am #2093	1098
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 666. By H. Peterson

Jan.	4	1	Read first time	142
Jan.	5	2	Referred to Committee on Public Health and Welfare	211
Jan.	6	3	Notice of hearing (1-17)	253
Feb.	15	28	Indefinitely postponed	965

LEGISLATIVE BILL 667. By H. Peterson

Jan.	4	1	Read first time	142
Jan.	5	2	Referred to Committee on Judiciary	211
Jan.	31	17	Notice of hearing (2-14)	636
Feb.	16	29	H. Peterson priority bill	1002
Mar.	12	44	Placed on General File - Com am #2370	1551
Mar.	20	48	Committee amendment #2370 adopted. Advanced for Review	1711
Mar.	21	49	Hoagland amendment printed	1716
Mar.	26	52	Newell amendment #2557 printed	1850
Mar.	26	52	Hoagland amendment printed	1861
Mar.	26	52	Placed on Select File - AM5407	1881
Mar.	28	54	AM5407 (E and R) adopted. Newell pending amendment #2557 lost. Beutler amendment #2577 adopted as amended by Beutler amendment #2557. Advanced for Engrossment	1993

Apr. 2	57	Correctly Engrossed. ER0230 change	2170
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Hoagland pending amendments p. 1716 and p. 1861 withdrawn. Final Reading 41-4-4	2358
Apr. 5	59	Speaker signed. Presented to Governor	2385
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 668. By H. Peterson, DeCamp

Jan. 4	1	Read first time	142
Jan. 5	2	Referred to Committee on Education	211
Jan. 9	4	Notice of hearing (1-16)	297
Jan. 12	7	DeCamp-H. Peterson amendment #1627 printed	386
Jan. 31	17	DeCamp-H. Peterson amendment #1839 printed	656
Feb. 3	20	Indefinitely postponed	761

LEGISLATIVE BILL 669. By Goodrich

Jan. 4	1	Read first time	143
Jan. 5	2	Referred to Committee on Special Commonwealth	211
Jan. 24	14	Notice of hearing (1-31)	566
Feb. 3	20	Indefinitely postponed	768

LEGISLATIVE BILL 670. By Kahle

Jan. 4	1	Read first time	143
Jan. 5	2	Referred to Committee on Agriculture and Environment	211
Jan. 12	7	Notice of hearing (1-19)	391
Jan. 23	13	Placed on General File	534
Jan. 24	14	Advanced for Review	561
Jan. 31	17	Placed on Select File	628
Feb. 6	21	Advanced for Engrossment	794
Feb. 7	22	Correctly Engrossed	815
Feb. 14	27	Final Reading 40-0-9	937
Feb. 14	27	President signed	949
Feb. 15	28	Presented to Governor	957
Feb. 21	30	Approved by Governor (2-17)	1007

LEGISLATIVE BILL 671. By Lamb, Kahle

Jan. 4	1	Read first time	143
Jan. 5	2	Referred to Committee on Government, Military and Veterans Affairs	211
Jan. 6	3	Notice of hearing (1-20)	235

Feb.	10	25	Placed on General File	877
Feb.	16	29	Lamb priority bill	1002
Mar.	5	39	Advanced for Review	1295
Mar.	13	45	Placed on Select File	1573
Mar.	15	47	Advanced for Engrossment	1640
Mar.	23	51	Correctly Engrossed	1821
Apr.	5	59	Final Reading 38-4-7	2308
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 672. By Lamb

Jan.	4	1	Read first time	143
Jan.	5	2	Referred to Committee on Public Works	211
Jan.	16	8	Notice of hearing (1-26)	413
Feb.	1	18	Placed on General File - Com am #1826	676
Feb.	24	33	Committee amendment #1826 adopted. Advanced for Review	1124
Mar.	1	37	Placed on Select File - AM5316	1232
Mar.	9	43	AM5316 (E and R) adopted. Advanced for Engrossment	1484
Mar.	20	48	Correctly Engrossed. ER0203 change	1695
Mar.	29	55	Final Reading 49-0-0	2074
Mar.	29	55	Speaker signed	2087
Mar.	30	56	Presented to Governor	2093
Apr.	3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 673. By Lamb

Jan.	4	1	Read first time	143
Jan.	5	2	Referred to Committee on Judiciary	211
Jan.	9	4	Notice of hearing (1-18)	305
Feb.	2	19	Placed on General File	724
Feb.	10	25	Advanced for Review	871
Feb.	15	28	Placed on Select File - AM5264	957
Feb.	24	33	AM5264 (E and R) adopted. Advanced for Engrossment	1125
Mar.	2	38	Correctly Engrossed	1274
Mar.	7	41	Final Reading 47-0-2	1407
Mar.	7	41	Speaker signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 674. By Lamb

Jan.	4	1	Read first time	143
Jan.	5	2	Referred to Committee on Revenue	211
Jan.	10	5	Notice of hearing (1-17)	329
Jan.	20	12	Indefinitely postponed	513

LEGISLATIVE BILL 675. By Fenger

Jan.	4	1	Read first time	143
Jan.	5	2	Referred to Committee on Revenue	211
Jan.	24	14	Notice of hearing (2-7)	567
Feb.	10	25	Indefinitely postponed	864
Feb.	14	27	Fenger motion to place on General File laid over	937
Feb.	16	29	Fenger pending motion to place on General File lost	994

LEGISLATIVE BILL 676. By Fenger

Jan.	4	1	Read first time	144
Jan.	5	2	Referred to Committee on Public Health and Welfare	211
Jan.	6	3	Notice of hearing (1-16)	253
Feb.	8	23	Placed on General File - Com am #1888	838
Mar.	2	38	Committee amendment #1888 adopted. Advanced for Review	1270
Mar.	8	42	Wesely amendment #2327 printed	1434
Mar.	8	42	Placed on Select File - AM5344	1442
Mar.	12	44	Beutler amendment #2397 printed	1557
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 677. By Warner

Jan.	4	1	Read first time	144
Jan.	5	2	Referred to Committee on Public Works	211
Jan.	16	8	Notice of hearing (1-25)	413
Jan.	31	17	Placed on General File	633
Feb.	10	25	Advanced for Review	867
Feb.	14	27	Placed on Select File	930
Feb.	29	36	Warner amendment #2145 printed	1188
Mar.	6	40	Warner pending amendment #2145 withdrawn. Advanced for Engrossment	1363
Mar.	13	45	Correctly Engrossed	1587
Mar.	21	49	Warner motion to return to Select File ruled not germane. Final Reading 45-0-4	1747

Mar. 21	49	Speaker signed	1761
Mar. 22	50	Presented to Governor	1771
Mar. 27	53	Approved by Governor (3-27)	1938

LEGISLATIVE BILL 678. By Warner

Jan. 4	1	Read first time	144
Jan. 5	2	Referred to Committee on Judiciary	211
Jan. 31	17	Notice of hearing (2-28)	637
Mar. 12	44	Placed on General File	1551
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 679. By Warner

Jan. 4	1	Read first time	144
Jan. 5	2	Referred to Committee on Government, Military and Veterans Affairs	211
Jan. 6	3	Notice of hearing (1-26)	235
Jan. 31	17	Placed on General File - Com am #1812	650
Feb. 15	28	Warner amendment #2008 printed	980
Feb. 24	33	Warner pending amendment #2008 adopted. Committee amendment #1812 adopted. Advanced for Review	1116
Mar. 1	37	Placed on Select File - AM5317	1229
Mar. 9	43	AM5317 (E and R) adopted. Advanced for Engrossment	1483
Mar. 20	48	Correctly Engrossed	1678
Mar. 28	54	Pappas-Wesely-Warner amendment #2622 printed	1957
Mar. 29	55	Pappas motion to suspend rules prevailed. Returned to Select File for Pappas et al amendment. Pappas et al amendment #2622 p. 1957 adopted. Advanced for Re-Engrossment	2074
Apr. 2	57	Correctly Re-Engrossed. ER0234 change	2174
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading 46-0-3	2359
Apr. 5	59	Speaker signed. Presented to Governor	2385
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 680. By Remmers, Morehead

Jan. 4	1	Read first time	144
Jan. 5	2	Referred to Committee on Constitutional Revision and Recreation	211
Jan. 18	10	Notice of hearing (1-26)	470

Feb. 10	25	Indefinitely postponed	877

LEGISLATIVE BILL 681. By Clark

Jan. 4	1	Read first time	145
Jan. 5	2	Referred to Committee on Banking, Commerce and Insurance	211
Jan. 6	3	Notice of hearing (1-16)	254
Jan. 20	12	Placed on General File	526
Jan. 23	13	Landis amendment withdrawn. Advanced for Review	539
Jan. 31	17	Placed on Select File - AM5226	625
Feb. 3	20	V. Johnson-Landis amendment printed	768
Feb. 6	21	AM5226 (E and R) adopted. V. Johnson-Landis pending amendment p. 768 adopted. Higgins amendment lost. Advanced for Engrossment	791
Feb. 7	22	Correctly Engrossed. ER0159 change	815
Feb. 14	27	Final Reading 36-4-9	938
Feb. 14	27	President signed	949
Feb. 15	28	Presented to Governor	957
Feb. 21	30	Approved by Governor (2-17)	1007

LEGISLATIVE BILL 682. By Landis

Jan. 4	1	Read first time	145
Jan. 5	2	Referred to Committee on Government, Military and Veterans Affairs	211
Jan. 6	3	Notice of hearing (1-19)	235
Feb. 10	25	Placed on General File - Com am #1963	877
Feb. 16	29	Jacobson priority bill	1002
Feb. 22	31	Lamb amendment #2055 printed	1059
Mar. 1	37	Landis amendment #2235 printed	1206
Mar. 2	38	Committee amendment #1963 adopted. Landis pending amendment #2235 p. 1206 adopted. Advanced for Review	1273
Mar. 8	42	Landis amendment #2316 printed	1433
Mar. 9	43	Placed on Select File - AM5352	1499
Mar. 15	47	AM5352 (E and R) adopted. Landis pending amendment #2316 adopted. Lamb pending amendment #2055 p. 1059 lost. Advanced for Engrossment	1637
Mar. 22	50	Correctly Engrossed. ER0197 change	1798
Apr. 2	57	Final Reading w/E 45-0-4	2192
Apr. 2	57	Speaker signed	2205
Apr. 2	57	Presented to Governor	2210

Apr.	3	58	Approved by Governor (4-3)	2242

LEGISLATIVE BILL 683. By Landis

Jan.	4	1	Read first time	145
Jan.	5	2	Referred to Committee on Government, Military and Veterans Affairs	211
Jan.	6	3	Notice of hearing (1-26)	235
Jan.	31	17	Placed on General File	650
Feb.	10	25	Advanced for Review	871
Feb.	14	27	Placed on Select File - AM5260	932
Feb.	24	33	AM5260 (E and R) adopted. Advanced for Engrossment	1125
Mar.	2	38	Correctly Engrossed	1274
Mar.	7	41	Final Reading w/E 46-0-3	1408
Mar.	7	41	Speaker signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 684. By DeCamp

Jan.	4	1	Read first time	145
Jan.	5	2	Referred to Committee on Judiciary	211
Jan.	31	17	Notice of hearing (2-27)	637
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 685. By DeCamp

Jan.	4	1	Read first time	146
Jan.	5	2	Referred to Committee on Judiciary	211
Jan.	9	4	Notice of hearing (1-16)	305
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 686. By DeCamp

Jan.	4	1	Read first time	146
Jan.	5	2	Referred to Committee on Urban Affairs	211
Jan.	10	5	Notice of hearing (1-18)	352
Jan.	19	11	Placed on General File	494
Jan.	24	14	Advanced for Review	561
Jan.	25	15	Vickers amendment printed	575
Jan.	31	17	Placed on Select File - AM5233	627
Feb.	6	21	AM5233 (E and R) adopted. Vickers pending amendment p. 575 adopted. Wagner amendment adopted. Advanced for Engrossment	792

Feb.	7	22	Correctly Engrossed	815
Feb.	7	22	ER0160 change	816
Feb.	14	27	Final Reading 38-0-11	941
Feb.	14	27	President signed	949
Feb.	15	28	Presented to Governor	957
Feb.	21	30	Approved by Governor (2-17)	1007

LEGISLATIVE BILL 687. By DeCamp

Jan.	4	1	Read first time	146
Jan.	5	2	Referred to Committee on Judiciary	211
Jan.	31	17	Notice of hearing (2-27)	637
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 688. By DeCamp

Jan.	4	1	Read first time	146
Jan.	5	2	Referred to Committee on Public Works	211
Jan.	24	14	Notice of hearing (2-9)	560
Jan.	24	14	Haberman name added	561
Feb.	28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 689. By DeCamp

Jan.	4	1	Read first time	146
Jan.	5	2	Referred to Committee on Education	211
Jan.	26	16	Notice of hearing (2-28)	612
Mar.	2	38	Indefinitely postponed	1260

LEGISLATIVE BILL 690. By DeCamp

Jan.	4	1	Read first time	146
Jan.	5	2	Referred to Committee on Judiciary	211
Jan.	12	7	Notice of hearing (1-31)	409
Feb.	2	19	Placed on General File	724
Feb.	10	25	Advanced for Review	871
Feb.	16	29	Placed on Select File - AM5265	984
Feb.	24	33	AM5265 (E and R) adopted. Advanced for Engrossment	1126
Mar.	2	38	Correctly Engrossed	1274
Mar.	2	38	ER0178 change	1275
Mar.	7	41	Final Reading 46-0-3	1409
Mar.	7	41	Speaker signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 691. By DeCamp

Jan. 4	1	Read first time	146
Jan. 5	2	Referred to Committee on Revenue	211
Jan. 10	5	Notice of hearing (1-17)	329
Jan. 20	12	Indefinitely postponed	513

LEGISLATIVE BILL 692. By DeCamp, Schmit

Jan. 4	1	Read first time	147
Jan. 5	2	Referred to Committee on Banking, Commerce and Insurance	211
Jan. 6	3	Notice of hearing (1-16)	254
Jan. 24	14	Placed on General File - Com am #1709	561
Feb. 6	21	DeCamp amendment #1892 printed	782
Feb. 9	24	Pappas priority bill	848
Feb. 28	35	Kilgarin amendment #2126 printed	1176
Feb. 29	36	Committee amendment #1709 adopted as amended by Hoagland amendment, DeCamp pending amendment #1892 p. 782, and Beutler amendment. Kilgarin pending amendment #2126 p. 1176 lost. Advanced for Review	1191
Mar. 5	39	Hoagland amendment #2242 printed	1296
Mar. 6	40	Placed on Select File - AM5332	1353
Mar. 8	42	DeCamp amendment #2382 to committee amendment printed	1458
Mar. 9	43	AM5332 (E and R) adopted. DeCamp pending amendment #2382 adopted as amended by DeCamp amendment. Hoagland amendment #2392 to committee amendment lost. Kilgarin amendment #2212 to committee amendment adopted. Kilgarin amendment #2215 to committee amendment lost	1479
Mar. 9	43	Kilgarin amendments #2213 and #2210 to committee amendment lost.	1481
Mar. 9	43	Attorney General's Opinion to Kilgarin	1485
Mar. 9	43	Advanced for Engrossment	1490
Mar. 9	43	Kilgarin amendment #2216 printed. Pappas name added.	1492
Mar. 22	50	Correctly Engrossed. ER0199 change	1774
Mar. 27	53	Clark amendment #2645 printed	1938
Apr. 2	57	Kilgarin motion to return to Select File lost. Clark pending amendment #2645 p. 1938 withdrawn. Schmit motion to return to Select File	

			withdrawn	2193
Apr.	2	57	Failed on Final Reading w/E 25-21-3	2194
Apr.	2	57	Final Reading 44-2-3	2195
Apr.	2	57	Speaker signed	2205
Apr.	2	57	Presented to Governor	2210
Apr.	3	58	Approved by Governor (4-3)	2242

LEGISLATIVE BILL 693. By DeCamp

Jan.	4	1	Read first time	147
Jan.	5	2	Referred to Committee on Banking, Commerce and Insurance	211
Jan.	6	3	Notice of hearing (1-16)	254
Feb.	6	21	Placed on General File - Com am #1873	771
Feb.	15	28	DeCamp priority bill	957
Mar.	5	39	Passed over	1293
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 694. By Labedz

Jan.	4	1	Read first time	147
Jan.	5	2	Referred to Committee on Public Works	211
Jan.	5	2	DeCamp name added	220
Jan.	10	5	Notice of hearing (1-20)	343
Jan.	20	12	Schmit name added	532
Jan.	26	16	Placed on General File - Com am #1683	613
Feb.	3	20	Kilgarin name added	768
Feb.	7	22	Higgins name added	806
Feb.	10	25	Labedz amendment #1934 printed	873
Feb.	16	29	Higgins priority bill	1002
Feb.	27	34	Hoagland amendment to committee amendment lost. Committee amendment #1683 adopted. Labedz pending amendment #1934 p. 873 adopted. Beyer motion to indefinitely postpone lost	1140
Fe.	27	34	Advanced for Review	1143
Feb.	27	34	Beyer amendment printed	1146
Mar.	5	39	Placed on Select File - AM5323	1288
Mar.	5	39	Labedz amendment #2255 printed	1332
Mar.	7	41	AM5323 (E and R) adopted. Beyer pending amendment p. 1146 withdrawn. Labedz pending amendment #2255 p. 1332 adopted. Vickers amendment #2307 to amendment #1934 lost. Advanced for Engrossment	1394
Mar.	12	44	Message from Governor	1530
Mar.	20	48	Correctly Engrossed	1678

Mar. 20	48	ER0192 change	1679
Mar. 29	55	Final Reading 29-20-0	2075
Mar. 29	55	Speaker signed	2087
Mar. 30	56	Presented to Governor	2093
Apr. 3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 694A. By Labedz, DeCamp

Feb. 2	19	Read first time. Placed on General File	716
Feb. 27	34	Advanced for Review	1143
Mar. 5	39	Placed on Select File	1288
Mar. 7	41	Advanced for Engrossment	1396
Mar. 20	48	Correctly Engrossed	1678
Mar. 30	56	Labedz amendment printed	2133
Apr. 3	58	V. Johnson motion to return to Select File for Labedz pending amendment ruled not germane. V. Johnson motion to suspend rules lost	2258
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 695. By Labedz

Jan. 4	1	Read first time	147
Jan. 5	2	Referred to Committee on Judiciary	211
Jan. 5	2	DeCamp name added	220
Jan. 9	4	Notice of hearing (1-17)	305
Jan. 24	14	Placed on General File	568
Feb. 10	25	Labedz priority bill	886
Feb. 29	36	Higgins name added	1184
Feb. 29	36	Landis amendment printed	1197
Mar. 1	37	Landis pending amendment withdrawn. Landis-Marsh amendment adopted. Advanced for Review	1219
Mar. 2	38	Labedz amendment #2032 printed	1283
Mar. 6	40	Placed on Select File - AM5326	1355
Mar. 8	42	Landis amendment #2337 printed	1433
Mar. 13	45	AM5326 (E and R) adopted. Labedz pending amendment #2032 p. 1283 adopted. Landis pending amendment #2337 lost. Advanced for Engrossment	1593
Mar. 22	50	Correctly Engrossed	1774
Apr. 2	57	Final Reading 39-7-3	2196
Apr. 2	57	Speaker signed	2205
Apr. 2	57	Presented to Governor	2210
Apr. 3	58	Approved by Governor (4-3)	2242

LEGISLATIVE BILL 696. By Beutler, H. Peterson

Jan. 4	1	Read first time	147
Jan. 5	2	Referred to Committee on Judiciary	212
Jan. 9	4	Notice of hearing (1-17)	305
Feb. 1	18	Placed on General File - Com am #1853	682
Feb. 10	25	Committee amendment #1853 adopted. Advanced for Review. Expedited	866
Feb. 10	25	Placed on Select File - AM5250	875
Feb. 14	27	AM5250 (E and R) adopted. Advanced for Engrossment	948
Feb. 15	28	Correctly Engrossed	959
Feb. 23	32	Final Reading w/E 45-1-3	1094
Feb. 23	32	President signed	1100
Feb. 23	32	Presented to Governor	1103
Feb. 24	33	Approved by Governor (2-24)	1114

LEGISLATIVE BILL 697. By Higgins

Jan. 4	1	Read first time	147
Jan. 5	2	Referred to Committee on Public Works	212
Jan. 10	5	Notice of hearing (1-20)	343
Jan. 26	16	Placed on General File	612
Feb. 10	25	Advanced for Review	867
Feb. 14	27	Placed on Select File - AM5255	928
Feb. 24	33	AM5255 (E and R) adopted. Advanced for Engrossment	1124
Mar. 2	38	Correctly Engrossed	1263
Mar. 7	41	Final Reading 45-0-4	1410
Mar. 7	41	Speaker signed	1424
Mar. 8	42	Presented to Governor	1430
Mar. 12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 698. By DeCamp

Jan. 4	1	Read first time	148
Jan. 5	2	Referred to Committee on Education	212
Jan. 11	6	Higgins name added	374
Jan. 26	16	Notice of hearing (2-13)	612
Feb. 24	33	Indefinitely postponed	1135

LEGISLATIVE BILL 699. By Goodrich

Jan. 4	1	Read first time	148
Jan. 5	2	Referred to Committee on Miscellaneous Subjects	212

Jan. 12	7	Notice of hearing (1-19)	398
Feb. 14	27	Indefinitely postponed	932

LEGISLATIVE BILL 700. By Labedz, Warner, R. Johnson, Morehead, Kilgarin, Marsh, Wesely, Schmit, Sieck, Scofield, Vickers, Landis, DeCamp, Pappas, Barrett, Higgins, Hoagland

Jan. 4	1	Read first time	148
Jan. 5	2	Referred to Committee on Government, Military and Veterans Affairs	212
Jan. 6	3	Notice of hearing (1-20)	235
Jan. 23	13	Placed on General File - Com am #1668	543
Jan. 31	17	Beutler amendment #1833 to committee amendment adopted. Newell amendment to committee amendment adopted. Newell name added	635
Jan. 31	17	Haberman explanation of vote	664
Jan. 31	17	Beutler amendment to amendment #1833 pending	666
Feb. 1	18	Beutler pending amendment p. 666 withdrawn. Committee amendment #1668 adopted as amended. Beutler amendment pending	687
Feb. 2	19	Beutler pending amendment p. 687 withdrawn. Beutler amendment #1868 adopted. Chambers amendment lost. Advanced for Review	725
Feb. 3	20	Placed on Select File - AM5245	761
Feb. 10	25	Labedz amendment #1924 printed	874
Feb. 23	32	AM5245 (E and R) adopted. Labedz pending amendment #1924 lost. Beutler amendment #2097 lost. Advanced for Engrossment	1099
Feb. 29	36	Correctly Engrossed	1204
Feb. 29	36	ER0174 change	1205
Apr. 5	59	Failed on Final Reading 19-23-7	2306

LEGISLATIVE BILL 700A. By Labedz

Jan. 25	15	Read first time. Placed on General File	584
Feb. 2	19	Advanced for Review	727
Feb. 3	20	Placed on Select File	761
Mar. 2	38	Failed to advance for Engrossment	1267
Mar. 29	55	Failed to advance for Engrossment. Indefinitely postponed	2088

LEGISLATIVE BILL 701. By Labedz

Jan.	4	1	Read first time	148
Jan.	5	2	Referred to Committee on Revenue	212
Jan.	24	14	Notice of hearing (2-14)	567
Feb.	16	29	Indefinitely postponed	1000

LEGISLATIVE BILL 702. By Chambers

Jan.	4	1	Read first time	148
Jan.	5	2	Referred to Committee on Public Works	212
Jan.	24	14	Notice of hearing (2-10)	560
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 703. By Chambers

Jan.	4	1	Read first time	148
Jan.	5	2	Referred to Committee on Judiciary	212
Jan.	9	4	Notice of hearing (1-18)	305
Jan.	24	14	Placed on General File	568
Feb.	3	20	Advanced for Review	762
Feb.	6	21	Placed on Select File	787
Feb.	10	25	Advanced for Engrossment	886
Feb.	14	27	Correctly Engrossed	954
Feb.	23	32	Final Reading 46-0-3	1093
Feb.	23	32	President signed	1100
Feb.	23	32	Presented to Governor	1103
Feb.	24	33	Approved by Governor (2-24)	1114

LEGISLATIVE BILL 704. By Kilgarin

Jan.	4	1	Read first time	149
Jan.	5	2	Referred to Committee on Banking, Commerce and Insurance	212
Jan.	6	3	Notice of hearing (1-16)	254
Feb.	13	26	Indefinitely postponed	895

LEGISLATIVE BILL 705. By Pappas

Jan.	4	1	Read first time	149
Jan.	5	2	Referred to Committee on Banking, Commerce and Insurance	212
Jan.	6	3	Notice of hearing (1-17)	255
Jan.	23	13	Placed on General File - Com am #1710	544
Feb.	1	18	Committee amendment #1710 adopted. Advanced for Review	701

Feb.	3	20	Placed on Select File - AM5242	736
Feb.	10	25	Wesely amendment #1937 to committee amendment printed	866
Feb.	23	32	AM5242 (E and R) adopted. Wesely pending amendment #1937 p. 866 withdrawn. Wesely amendment to committee amendment adopted. Advanced for Engrossment	1098
Feb.	29	36	Correctly Engrossed	1204
Feb.	29	36	ER0175 change	1205
Mar.	7	41	Final Reading 43-2-4	1405
Mar.	7	41	Speaker signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 706. By Pappas

Jan.	4	1	Read first time	149
Jan.	5	2	Referred to Committee on Revenue	212
Jan.	24	14	Notice of hearing (2-14)	567
Mar.	5	39	Indefinitely postponed	1293

LEGISLATIVE BILL 707. By R. Johnson

Jan.	4	1	Read first time	149
Jan.	5	2	Referred to Committee on Government, Military and Veterans Affairs	212
Jan.	6	3	Notice of hearing (1-26)	235
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 708. By DeCamp

Jan.	4	1	Read first time	149
Jan.	5	2	Referred to Committee on Public Health and Welfare	212
Feb.	2	19	Notice of hearing (2-27)	729
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 709. By DeCamp

Jan.	4	1	Read first time	150
Jan.	5	2	Referred to Committee on Revenue	212
Jan.	16	8	Notice of hearing (1-24)	417
Jan.	26	16	Indefinitely postponed	621
Jan.	26	16	DeCamp motion to place on General File laid over	623
Feb.	7	22	Attorney General's Opinion to DeCamp	799

LEGISLATIVE BILL 710. By Rupp

Jan. 4	1	Read first time	150
Jan. 5	2	Referred to Committee on Public Works	212
Jan. 10	5	Notice of hearing (1-18)	342
Jan. 19	11	Placed on General File	486
Jan. 20	12	Advanced for Review	506
Jan. 20	12	Haberman explanation of vote	526
Jan. 26	16	Placed on Select File - AM5217	589
Feb. 1	18	AM5217 (E and R) adopted. Advanced for Engrossment	702
Feb. 2	19	Correctly Engrossed	728
Feb. 7	22	Final Reading 46-0-3	820
Feb. 7	22	President signed	827
Feb. 8	23	Presented to Governor	830
Feb. 13	26	Approved by Governor (2-10)	887

LEGISLATIVE BILL 711. By Nichol

Jan. 4	1	Read first time	150
Jan. 5	2	Referred to Committee on Public Works	212
Jan. 16	8	Notice of hearing (1-25)	413
Feb. 1	18	Placed on General File - Com am #1827	676
Feb. 15	28	Abboud name added	974
Feb. 21	30	Nichol priority bill	1036
Mar. 20	48	Committee amendment #1827 adopted. Advanced for Review	1712
Mar. 26	52	Placed on Select File - AM5409	1882
Mar. 28	54	AM5409 (E and R) adopted. Advanced for Engrossment	2002
Mar. 30	56	Correctly Engrossed	2162
Apr. 5	59	Final Reading 39-8-2	2332
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 9	60	Approved by Governor (4-9)	2447

LEGISLATIVE BILL 711A. By Nichol

Feb. 6	21	Read first time. Placed on General File	770
Mar. 20	48	Advanced for Review	1712
Mar. 26	52	Placed on Select File	1883
Mar. 28	54	Advanced for Engrossment	2002
Mar. 30	56	Correctly Engrossed	2162
Apr. 5	59	Final Reading 38-7-4	2332
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356

Apr.	9	60	Approved by Governor (4-9)	2447

LEGISLATIVE BILL 712. By Nichol

Jan.	4	1	Read first time	150
Jan.	5	2	Referred to Committee on Revenue	212
Jan.	24	14	Notice of hearing (2-21)	567
Mar.	5	39	Placed on General File - Com am #2250	1341
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 713. By DeCamp

Jan.	4	1	Read first time	150
Jan.	5	2	Referred to Committee on Miscellaneous Subjects	212
Jan.	24	14	Notice of hearing (2-10)	560
Feb.	3	20	Notice of hearing (cancelled)	757
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 714. By DeCamp

Jan.	4	1	Read first time	155
Jan.	5	2	Referred to Committee on Miscellaneous Subjects	212
Jan.	18	10	Notice of hearing (2-3)	471
Feb.	14	27	Placed on General File - Com am #1989	953
Feb.	21	30	Nichol priority bill	1036
Mar.	2	38	Committee amendment #1989 adopted. Advanced for Review	1277
Mar.	12	44	Placed on Select File - AM5361	1528
Mar.	15	47	AM5361 (E and R) adopted. Advanced for Engrossment	1650
Mar.	23	51	Correctly Engrossed	1839
Apr.	5	59	Final Reading w/E 41-2-6	2309
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 715. By McDonald

Jan.	4	1	Read first time	155
Jan.	5	2	Referred to Committee on Public Works	212
Jan.	10	5	Notice of hearing (1-20)	343
Jan.	31	17	Placed on General File - Com am #1780	633
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 716. By McDonald

Jan.	4	1	Read first time	155
Jan.	5	2	Referred to Committee on Public Health and Welfare	212
Jan.	6	3	Notice of hearing (1-16)	253
Feb.	2	19	Placed on General File - Com am #1785	733
Mar.	2	38	Committee amendment #1785 adopted. Advanced for Review	1264
Mar.	6	40	Placed on Select File - AM5341	1380
Mar.	9	43	AM5341 (E and R) adopted. Advanced for Engrossment	1485
Mar.	21	49	Correctly Engrossed	1715
Apr.	2	57	Final Reading 46-0-3	2179
Apr.	2	57	Speaker signed	2205
Apr.	2	57	Presented to Governor	2210
Apr.	3	58	Approved by Governor (4-3)	2242

LEGISLATIVE BILL 717. By McDonald, Newell, Labedz, Schmit

Jan.	4	1	Read first time	155
Jan.	5	2	Referred to Committee on Revenue	212
Jan.	16	8	Notice of hearing (1-24)	417
Jan.	31	17	Indefinitely postponed	651

LEGISLATIVE BILL 718. By Kilgarin, Labedz, Hefner, Pirsch, Landis, DeCamp, Hoagland, Higgins, L. Johnson, Scofield, Newell

Jan.	4	1	Read first time	156
Jan.	5	2	Referred to Committee on Government, Military and Veterans Affairs	212
Jan.	6	3	Notice of hearing (1-20)	235
Jan.	9	4	Lundy name added	292
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 719. By Abboud, Barrett, Beutler, Carsten, Chronister, DeCamp, Eret, Goll, Haberman, Hefner, Higgins, Hoagland, Jacobson, L. Johnson, R. Johnson, V. Johnson, Kahle, Labedz, Lamb, Landis, Lundy, Marsh, Morehead, Nichol, Pappas, H. Peterson, R. Peterson, Pirsch, Remmers, Rupp, Schmit, Scofield, Sieck, Vickers, Von Minden, Wagner, Wesely

Jan.	4	1	Read first time	156
Jan.	5	2	Referred to Committee on Public Works	212
Jan.	9	4	DeCamp amendment #1604 printed	313
Jan.	10	5	Notice of hearing (1-18)	342

Jan.	19	11	Placed on General File	486
Jan.	20	12	DeCamp pending amendment #1604 p. 313 withdrawn. Advanced for Review. Expedited	506
Jan.	20	12	Placed on Select File	518
Jan.	20	12	Haberman explanation of vote	526
Jan.	23	13	Wesely amendment #1724 adopted. Advanced for Engrossment	547
Jan.	24	14	Correctly Engrossed. ER0144 change	553
Jan.	26	16	Nichol motion to suspend rules prevailed	598
Jan.	26	16	Wesely motion to return to Select File withdrawn. Chambers motion to return to Select File lost	609
Jan.	26	16	Final Reading w/E 43-1-5	610
Jan.	26	16	Speaker signed	612
Jan.	26	16	Presented to Governor	621
Jan.	26	16	Jacobson explanation of vote	622
Jan.	31	17	Approved by Governor (1-26)	632

LEGISLATIVE BILL 720. By Wesely

Jan.	4	1	Read first time	156
Jan.	5	2	Referred to Committee on Government, Military and Veterans Affairs	212
Jan.	6	3	Notice of hearing (1-19)	235
Jan.	9	4	Rereferred to Committee on Public Health and Welfare	302
Jan.	9	4	Notice of hearing (cancelled)	314
Jan.	12	7	Notice of hearing (1-23) (reset)	389
Feb.	8	23	Placed on General File - Com am #1819	839
Feb.	21	30	Nichol priority bill	1036
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 721. By Newell

Jan.	4	1	Read first time	157
Jan.	5	2	Referred to Committee on Education	212
Jan.	9	4	Notice of hearing (1-17)	297
Feb.	7	22	Placed on General File - Com am #1798	824
Feb.	21	30	Nichol priority bill	1036
Mar.	9	43	Goll amendment #2314 to committee amendment printed	1486
Mar.	23	51	Goll amendment #2460 printed	1821
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 722. By Wesely

Jan.	4	1	Read first time	157
Jan.	5	2	Referred to Committee on Public Works	212
Jan.	11	6	Wesely motion to withdraw laid over	366
Jan.	12	7	Wesely pending motion prevailed. Withdrawn	381

LEGISLATIVE BILL 723. By Public Health and Welfare Committee

Jan.	4	1	Read first time	157
Jan.	6	3	Referred to Committee on Public Health and Welfare	242
Jan.	6	3	Notice of hearing (1-17)	253
Jan.	19	11	Placed on General File - Com am #1703	494
Jan.	20	12	Committee amendment #1703 adopted. Advanced for Review	516
Jan.	26	16	Placed on Select File - AM5219	590
Feb.	1	18	Passed over	703
Feb.	3	20	Fenger amendment #1859 printed	759
Feb.	22	31	AM5219 (E and R) adopted. Fenger pending amendment #1859 p. 759 adopted. Advanced for Engrossment	1065
Feb.	27	34	Correctly Engrossed	1136
Feb.	27	34	ER0170 change	1137
Mar.	1	37	Final Reading w/E 42-1-6	1209
Mar.	1	37	President signed	1217
Mar.	1	37	Presented to Governor	1221
Mar.	2	38	Approved by Governor (3-2)	1272
Mar.	2	38	Abboud explanation of vote	1273

LEGISLATIVE BILL 724. By Public Health and Welfare Committee

Jan.	4	1	Read first time	157
Jan.	6	3	Referred to Committee on Public Health and Welfare	242
Jan.	12	7	Notice of hearing (1-31)	389
Feb.	8	23	Placed on General File - Com am #1923	839
Feb.	16	29	Public Health and Welfare Committee priority bill	1003
Mar.	2	38	Committee amendment #1923 adopted. Advanced for Review	1273
Mar.	9	43	Placed on Select File - AM5351	1498
Mar.	14	46	Fenger amendment #2441 printed	1614
Mar.	15	47	AM5351 (E and R) adopted. Fenger pending amendment #2441 adopted.	

		Advanced for Engrossment	1643
Mar. 23	51	Correctly Engrossed	1832
Apr. 5	59	Final Reading 44-0-5	2310
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 724A. By Marsh

Feb. 22	31	Read first time. Placed on General File	1056
Mar. 2	38	Advanced for Review	1273
Mar. 9	43	Placed on Select File	1499
Mar. 15	47	Advanced for Engrossment	1644
Mar. 23	51	Correctly Engrossed	1832
Apr. 5	59	Final Reading 43-0-6	2311
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 725. By Withem

Jan. 4	1	Read first time	158
Jan. 6	3	Referred to Committee on Government, Military and Veterans Affairs	242
Jan. 10	5	Notice of hearing (1-19)	352
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 726. By Withem

Jan. 4	1	Read first time	158
Jan. 6	3	Referred to Committee on Public Works	242
Jan. 10	5	Notice of hearing (1-20)	343
Feb. 1	18	Placed on General File - Com am #1777	677
Feb. 24	33	Committee amendment #1777 considered	1124
Mar. 2	38	Committee amendment #1777 adopted as amended by Withem amendment #2125. Advanced for Review	1262
Mar. 6	40	Placed on Select File - AM5337	1378
Mar. 9	43	AM5337 (E and R) adopted. Advanced for Engrossment	1485
Mar. 21	49	Correctly Engrossed. ER0205 change	1715
Apr. 2	57	Final Reading 44-0-5	2180
Apr. 2	57	Speaker signed	2205
Apr. 2	57	Presented to Governor	2210
Apr. 3	58	Approved by Governor (4-3)	2242

LEGISLATIVE BILL 727. By Public Works Committee

Jan.	4	1	Read first time	158
Jan.	6	3	Referred to Committee on Public Works	242
Jan.	24	14	Notice of hearing (2-8)	560
Feb.	16	29	Placed on General File - Com am #2002	988
Feb.	21	30	Nichol priority bill	1036
Mar.	2	38	Committee amendment #2002 adopted. Chambers motion to indefinitely postpone withdrawn	1280
Mar.	7	41	Schmit amendment #2334 printed	1397
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 728. By Schmit

Jan.	4	1	Read first time	158
Jan.	6	3	Referred to Committee on Revenue	242
Jan.	20	12	Notice of hearing (1-31)	513
Mar.	5	39	Placed on General File - Com am #2249	1341
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 729. By Schmit

Jan.	4	1	Read first time	158
Jan.	6	3	Referred to Committee on Public Works	242
Jan.	10	5	Notice of hearing (1-19)	343
Jan.	31	17	Placed on General File	633
Feb.	10	25	Advanced for Review	870
Feb.	14	27	Placed on Select File	930
Feb.	24	33	Advanced for Engrossment	1125
Mar.	2	38	Correctly Engrossed	1263
Mar.	7	41	Final Reading w/E 45-0-4	1411
Mar.	7	41	President signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 730. By Schmit

Jan.	4	1	Read first time	158
Jan.	6	3	Referred to Committee on Public Works	242
Jan.	10	5	Notice of hearing (1-19)	343
Jan.	31	17	Placed on General File	633
Feb.	10	25	Advanced for Review	870
Feb.	14	27	Placed on Select File	931
Feb.	24	33	Advanced for Engrossment	1125
Mar.	2	38	Correctly Engrossed	1274

Mar.	7	41	Final Reading 47-0-2	1412
Mar.	7	41	President signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 731. By DeCamp

Jan.	4	1	Read first time	159
Jan.	6	3	Referred to Committee on Revenue	242
Jan.	20	12	Notice of hearing (1-31)	513
Mar.	5	39	Indefinitely postponed	1293

LEGISLATIVE BILL 732. By Pappas

Jan.	4	1	Read first time	159
Jan.	6	3	Referred to Committee on Revenue	242
Jan.	20	12	Notice of hearing (2-1)	513
Feb.	10	25	Indefinitely postponed	864

LEGISLATIVE BILL 733. By Schmit, Kahle, Scofield, R. Peterson, Jacobson, Chronister, Vickers, R. Johnson, Morehead, Nichol, DeCamp, Sieck, Hefner, Haberman, Wagner, Lamb, Pappas, Remmers, Clark, Barrett

Jan.	4	1	Read first time	159
Jan.	6	3	Referred to Committee on Public Works	242
Jan.	10	5	Notice of hearing (1-18)	342
Jan.	19	11	Placed on General File	486
Jan.	20	12	Beyer amendment #1730 adopted. Beyer amendment #1731 lost. Advanced for Review	507
Jan.	20	12	Abboud name added	513
Jan.	26	16	Placed on Select File - AM5215	590
Jan.	26	16	AM5215 (E and R) adopted. Vickers amendment #1751 adopted. Advanced for Engrossment	614
Jan.	26	16	Expedited	621
Jan.	31	17	Correctly Engrossed	630
Jan.	31	17	ER0149 change	631
Feb.	2	19	Nichol motion to suspend rules prevailed. Final Reading w/E 44-0-5	723
Feb.	2	19	President signed	725
Feb.	2	19	Presented to Governor	730
Feb.	3	20	Approved by Governor (2-2)	741

LEGISLATIVE BILL 734. By Urban Affairs Committee

Jan.	4	1	Read first time	159
Jan.	6	3	Referred to Committee on Urban Affairs	242
Jan.	10	5	Notice of hearing (1-18)	352
Jan.	19	11	Placed on General File	494
Jan.	20	12	Advanced for Review	515
Jan.	26	16	Placed on Select File	590
Feb.	1	18	Advanced for Engrossment	703
Feb.	2	19	Correctly Engrossed	728
Feb.	7	22	Final Reading 44-0-5	821
Feb.	7	22	President signed	827
Feb.	8	23	Presented to Governor	830
Feb.	13	26	Approved by Governor (2-10)	887

LEGISLATIVE BILL 735. By Urban Affairs Committee

Jan.	4	1	Read first time	159
Jan.	6	3	Referred to Committee on Urban Affairs	242
Jan.	24	14	Notice of hearing (2-1)	566
Feb.	2	19	Indefinitely postponed	724

LEGISLATIVE BILL 736. By DeCamp

Jan.	4	1	Read first time	160
Jan.	6	3	Referred to Committee on Banking, Commerce and Insurance	242
Jan.	10	5	Notice of hearing (1-17)	350
Jan.	23	13	Placed on General File - Com am #1711	544
Feb.	1	18	Committee amendment #1711 adopted. Landis-Lamb amendment adopted. Advanced for Review	701
Feb.	3	20	Placed on Select File - AM5243	737
Feb.	8	23	DeCamp amendment printed	843
Feb.	24	33	DeCamp amendment #2110 printed	1132
Mar.	6	40	AM5243 (E and R) adopted. DeCamp pending amendment #2110 p. 1132 adopted. DeCamp pending amendment p. 843 withdrawn. Advanced for Engrossment	1349
Mar.	14	46	Correctly Engrossed. ER0187 change	1605
Mar.	21	49	Final Reading 40-0-9	1751
Mar.	21	49	Speaker signed	1761
Mar.	22	50	Presented to Governor	1771
Mar.	27	53	Approved by Governor (3-27)	1938

LEGISLATIVE BILL 737. By V. Johnson, Wesely

Jan.	4	1	Read first time	160
Jan.	6	3	Referred to Committee on Revenue	242
Jan.	20	12	Notice of hearing (1-31)	513
Mar.	5	39	Placed on General File - Com am #2248	1341
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 738. By V. Johnson

Jan.	4	1	Read first time	160
Jan.	6	3	Referred to Committee on Business and Labor	242
Jan.	19	11	Notice of hearing (2-1)	486
Feb.	2	19	Indefinitely postponed	733

LEGISLATIVE BILL 739. By V. Johnson

Jan.	4	1	Read first time	160
Jan.	6	3	Referred to Committee on Business and Labor	242
Jan.	19	11	Notice of hearing (2-1)	486
Feb.	1	18	Attorney General's Opinion to V. Johnson	672
Feb.	6	21	Placed on General File - Com am #1875	776
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 740. By V. Johnson

Jan.	4	1	Read first time	160
Jan.	6	3	Referred to Committee on Education	242
Jan.	26	16	Notice of hearing (2-14)	612
Feb.	21	30	Indefinitely postponed	1033

LEGISLATIVE BILL 741. By V. Johnson

Jan.	4	1	Read first time	161
Jan.	6	3	Referred to Committee on Miscellaneous Subjects	242
Jan.	18	10	Notice of hearing (2-2)	470
Feb.	14	27	Indefinitely postponed	932

LEGISLATIVE BILL 742. By Scofield

Jan.	4	1	Read first time	161
Jan.	6	3	Referred to Committee on Agriculture and Environment	242
Jan.	26	16	Notice of hearing (2-10)	587
Feb.	16	29	Scofield priority bill	1003

Mar. 9	43	Placed on General File - Com am #2321	1506
Mar. 12	44	Scofield amendment #2385 to committee amendment printed	1558
Mar. 14	46	Scofield amendment #2475 to committee amendment printed	1623
Mar. 22	50	Barrett amendment #2564 to amendment #2475 printed	1789
Mar. 27	53	Committee amendment #2321 lost. Scofield pending amendment #2385 p. 1558 withdrawn. Scofield pending amendment #2475 p. 1623 adopted as amended by Barrett pending amendment #2564 p. 1789. Advanced for Review	1930
Mar. 30	56	Placed on Select File - AM5427	2094
Apr. 3	58	AM5427 (E and R) adopted. Advanced for Engrossment	2259
Apr. 3	58	Correctly Engrossed	2280
Apr. 9	60	Final Reading 46-0-3	2399
Apr. 9	60	Abboud explanation of vote. Speaker signed	2431
Apr. 9	60	Presented to Governor	2444
Apr. 18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 743. By Von Minden

Jan. 4	1	Read first time	161
Jan. 6	3	Referred to Committee on Public Works	242
Jan. 24	14	Notice of hearing (2-15)	560
Feb. 2	19	Von Minden motion to withdraw laid over	714
Feb. 3	20	Von Minden pending motion prevailed. Withdrawn	741
Feb. 3	20	Notice of hearing (Cancelled)	757

LEGISLATIVE BILL 744. By Hoagland, H. Peterson, Lamb, Barrett, Chronister, R. Peterson, Lundy, Sieck, L. Johnson, Vickers, Kahle, Jacobson, Marsh

Jan. 4	1	Read first time	161
Jan. 5	2	Chambers name added	228
Jan. 6	3	Referred to Committee on Miscellaneous Subjects	242
Jan. 9	4	Abboud name added	305
Jan. 12	7	Jacobson name withdrawn	398
Jan. 24	14	Notice of hearing (2-9)	559
Feb. 15	28	Hoagland priority bill	958

Feb. 24	33	Placed on General File	1122
Feb. 27	34	Hefner name added	1155
Feb. 28	35	DeCamp amendment #2143 lost. Higgins motion to overrule agenda lost.	1162
Feb. 28	35	DeCamp amendment lost. Higgins motion to indefinitely postpone withdrawn. Landis motion to overrule agenda lost	1168
Feb. 28	35	Chambers amendment #2153 printed	1171
Feb. 28	35	Chambers amendment printed.	1176
Mar. 1	37	Remmers name added	1240
Mar. 5	39	Hoagland amendment #2292 printed	1331
Mar. 5	39	DeCamp amendment #2274 printed	1339
Mar. 6	40	Hannibal amendment #2160 printed	1368
Mar. 7	41	V. Johnson amendment #2352 printed.	1429
Mar. 8	42	Chambers pending amendments p. 1176 and #2153 p. 1171 withdrawn. Hoagland pending amendment #2292 p. 1331 withdrawn. Hannibal pending amendment #2160 lost as amended by Hannibal amendment p. 1368	1449
Mar. 8	42	V. Johnson amendment #2352 p. 1429 lost. Landis motion to suspend rules lost. Newell amendment pending. Vickers amendment to Newell amendment withdrawn. Carsten amendment to Newell amendment adopted as amended by DeCamp amendment. Newell pending amendment adopted as amended. Kilgarin amendment lost. Advanced for Review	1453
Mar. 9	43	DeCamp amendment #2395 printed	1505
Mar. 12	44	Expedited	1536
Mar. 12	44	DeCamp expunge request to expedite. Wesely objected	1538
Mar. 13	45	Placed on Select File - AM5375	1568
Mar. 15	47	AM5375 (E and R) adopted. DeCamp pending amendment #2395 p. 1505 withdrawn. Advanced for Engrossment	1639
Mar. 21	49	Attorney General's Opinion to Hoagland.	1725
Mar. 21	49	Hoagland-V.Johnson-Newell-Pappas amendment #2570 printed	1769
Mar. 22	50	Correctly Engrossed	1774
Mar. 27	53	Attorney General's Opinion to Nichol	1923
Apr. 2	57	Hoagland motion to return to Select File withdrawn. Final Reading w/E 46-0-3	2197

Apr.	2	57	Speaker signed	2205
Apr.	2	57	Presented to Governor	2210
Apr.	3	58	Approved by Governor (4-3)	2262

LEGISLATIVE BILL 745. By Business and Labor Committee

Jan.	4	1	Read first time	161
Jan.	6	3	Referred to Committee on Business and Labor	242
Jan.	6	3	Notice of hearing (1-18)	280
Jan.	20	12	Placed on General File	501
Jan.	23	13	Advanced for Review	538
Jan.	26	16	Placed on Select File - AM5228	618
Feb.	2	19	AM5228 (E and R) adopted. Advanced for Engrossment	731
Feb.	3	20	Correctly Engrossed	761
Feb.	9	24	Final Reading w/E 34-0-15	848
Feb.	9	24	President signed	855
Feb.	9	24	Haberman explanation of vote	859
Feb.	10	25	Presented to Governor. V. Johnson explanation of vote	864
Feb.	13	26	Approved by the Governor (2-10)	888

LEGISLATIVE BILL 746. By Business and Labor Committee

Jan.	4	1	Read first time	161
Jan.	6	3	Referred to Committee on Business and Labor	242
Jan.	6	3	Notice of hearing (1-18)	280
Jan.	20	12	Placed on General File	501
Jan.	23	13	Advanced for Review	538
Jan.	26	16	Placed on Select File	618
Feb.	2	19	Advanced for Engrossment	731
Feb.	3	20	Correctly Engrossed	761
Feb.	9	24	Haberman explanation of vote	859
Feb.	9	24	Barrett amendment #1952 printed	860
Feb.	23	32	Returned to Select File for Barrett amendment. Barrett pending amendment #1952 p. 860 adopted. Advanced for Re-Engrossment	1086
Feb.	28	35	Correctly Re-Engrossed	1157
Feb.	28	35	ER0173 change	1158
Mar.	7	41	Final Reading w/E 44-2-3	1404
Mar.	7	41	Speaker signed	1406
Mar.	7	41	Presented to Governor	1428
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 747. By Business and Labor Committee

Jan.	4	1	Read first time	162
Jan.	6	3	Referred to Committee on Business and Labor	242
Jan.	6	3	Notice of hearing (1-18)	280
Jan.	20	12	Placed on General File - Com am #1713	501
Jan.	23	13	Committee amendment #1713 adopted. Advanced for Review	538
Jan.	26	16	Placed on Select File - AM5222	618
Feb.	2	19	AM5222 (E and R) adopted. Advanced for Engrossment	731
Feb.	3	20	Correctly Engrossed	761
Feb.	9	24	Final Reading w/E 34-0-15	849
Feb.	9	24	President signed	855
Feb.	9	24	Haberman explanation of vote	859
Feb.	10	25	Presented to Governor	864
Feb.	13	26	Approved by Governor (2-10)	888

LEGISLATIVE BILL 748. By Marsh

Jan.	4	1	Read first time	162
Jan.	6	3	Referred to Committee on Urban Affairs	242
Jan.	10	5	Notice of hearing (1-18)	352
Jan.	19	11	Placed on General File	494
Jan.	20	12	Advanced for Review	515
Jan.	26	16	Placed on Select File - AM5216	590
Feb.	1	18	AM5216 (E and R) adopted. Advanced for Engrossment	703
Feb.	2	19	Correctly Engrossed	728
Feb.	7	22	Final Reading 43-0-6	821
Feb.	7	22	President signed	827
Feb.	8	23	Presented to Governor	830
Feb.	13	26	Approved by Governor (2-10)	887

LEGISLATIVE BILL 749. By Education Committee

Jan.	4	1	Read first time	162
Jan.	6	3	Referred to Committee on Education	242
Jan.	9	4	Notice of hearing (1-16)	297
Jan.	31	17	Placed on General File	637
Feb.	10	25	Advanced for Review	871
Feb.	14	27	Placed on Select File	931
Feb.	24	33	Advanced for Engrossment	1125
Mar.	2	38	Correctly Engrossed	1274
Mar.	7	41	Final Reading 47-0-2	1412
Mar.	7	41	President signed	1424

Mar. 8	42	Presented to Governor	1430
Mar. 12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 750. By Nebraska Retirement Systems Committee

Jan. 4	1	Read first time	162
Jan. 6	3	Referred to Committee on Nebraska Retirement Systems	242
Jan. 16	8	Notice of hearing (1-26)	424
Feb. 2	19	Placed on General File	733
Feb. 10	25	Advanced for Review	876
Feb. 16	29	Placed on Select File - AM5271	984
Feb. 24	33	AM5271 (E and R) adopted. Advanced for Engrossment	1126
Mar. 2	38	Correctly Engrossed	1274
Mar. 7	41	Final Reading 33-11-5	1413
Mar. 7	41	President signed	1424
Mar. 8	42	Presented to Governor	1430
Mar. 12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 751. By Nebraska Retirement Systems Committee

Jan. 4	1	Read first time	163
Jan. 6	3	Referred to Committee on Nebraska Retirement Systems	242
Jan. 16	8	Notice of hearing (1-25)	423
Feb. 16	29	Placed on General File - Com am #1852	991
Mar. 2	38	Committee amendment #1852 adopted. Advanced for Review	1280
Mar. 12	44	Placed on Select File - AM5371	1537
Mar. 30	56	AM5371 (E and R) adopted. Advanced for Engrossment	2162
Apr. 2	57	Correctly Engrossed	2188
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading 43-1-5	2360
Apr. 5	59	Speaker signed. Presented to Governor	2385
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 751A. By Wesely

Mar. 2	38	Read first time. Placed on General File	1271
Mar. 6	40	Wesely amendment adopted. Advanced for Review	1347
Mar. 13	45	Placed on Select File - AM5368	1586

Mar.	30	56	AM5368 (E and R) adopted. Advanced for Engrossment	2162
Apr.	2	57	Correctly Engrossed	2188
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 43-1-5	2361
Apr.	5	59	Speaker signed. Presented to Governor	2385
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 752. By Nebraska Retirement Systems Committee

Jan.	4	1	Read first time	163
Jan.	6	3	Referred to Committee on Nebraska Retirement Systems	242
Jan.	16	8	Notice of hearing (1-23)	423
Feb.	2	19	Placed on General File	733
Feb.	10	25	Advanced for Review	876
Feb.	16	29	Placed on Select File - AM5272	985
Feb.	24	33	AM5272 (E and R) adopted. Advanced for Engrossment	1126
Mar.	2	38	Correctly Engrossed	1274
Mar.	7	41	Final Reading 37-5-7	1414
Mar.	7	41	President signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	13	45	Approved by Governor (3-13)	1594

LEGISLATIVE BILL 753. By Withem

Jan.	4	1	Read first time	172
Jan.	6	3	Referred to Committee on Revenue	242
Jan.	10	5	Notice of hearing (1-17)	329
Jan.	20	12	Indefinitely postponed	513

LEGISLATIVE BILL 754. By Pappas, DeCamp

Jan.	4	1	Read first time	173
Jan.	6	3	Referred to Committee on Banking, Commerce and Insurance	242
Jan.	6	3	Notice of hearing (1-17)	255
Jan.	20	12	Placed on General File	512
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 755. By Pappas

Jan.	4	1	Read first time	173
Jan.	6	3	Referred to Committee on Miscellaneous	

			Subjects	242
Jan.	12	7	Notice of hearing (1-19)	398
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 756. By Pappas

Jan.	4	1	Read first time	173
Jan.	6	3	Referred to Committee on Public Works	242
Jan.	24	14	Notice of hearing (2-15)	560
Feb.	29	36	Indefinitely postponed	1185

LEGISLATIVE BILL 757. By Pappas

Jan.	4	1	Read first time	173
Jan.	6	3	Referred to Committee on Judiciary	242
Jan.	31	17	Notice of hearing (2-28)	637
Feb.	21	30	Nichol priority bill	1036
Mar.	12	44	Placed on General File - Com am #2377	1551
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 758. By Pappas

Jan.	4	1	Read first time	173
Jan.	6	3	Referred to Committee on Revenue	242
Jan.	20	12	Notice of hearing (1-31)	513
Feb.	10	25	Placed on General File	863
Feb.	15	28	Advanced for Review	962
Feb.	15	28	Newell-Beutler amendment printed	966
Feb.	21	30	Placed on Select File - AM5279	1006
Mar.	5	39	Pappas-Newell amendment printed	1331
Mar.	6	40	AM5279 (E and R) adopted. Pappas-Newell pending amendment p. 1331 adopted. Advanced for Engrossment	1364
Mar.	14	46	Correctly Engrossed. ER0186 change	1628
Mar.	21	49	Newell-Beutler pending amendment p. 966 withdrawn. Final Reading 43-1-5	1752
Mar.	21	49	Speaker signed	1761
Mar.	22	50	Presented to Governor	1771
Mar.	27	53	Returned by Governor without approval	1937
Mar.	28	54	Pappas motion to override veto laid over	1996
Apr.	2	57	Pappas pending motion to override veto prevailed 38-6-5	2169
Apr.	2	57	Communication	2191
Apr.	2	57	Certificate	2192
Apr.	3	58	Message from Secretary of State and Certificate	2239

LEGISLATIVE BILL 759. By DeCamp, Remmers

Jan.	4	1	Read first time	173
Jan.	6	3	Referred to Committee on Banking, Commerce and Insurance	242
Jan.	6	3	Notice of hearing (1-16)	254
Jan.	23	13	Placed on General File - Com am #1726	545
Feb.	1	18	Committee amendment #1726 adopted as amended by Hoagland amendment #1782. Failed to advance for Review	701
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 760. By DeCamp

Jan.	4	1	Read first time	173
Jan.	6	3	Referred to Committee on Public Works	242
Jan.	24	14	Notice of hearing (2-3)	557
Feb.	6	21	Haberman name added	776
Feb.	13	26	Placed on General File	911
Mar.	2	38	Advanced for Review	1257
Mar.	2	38	Newell name added	1261
Mar.	6	40	Placed on Select File - AM5329	1358
Mar.	9	43	AM5329 (E and R) adopted. Advanced for Engrossment	1484
Mar.	20	48	Kilgarin name added	1670
Mar.	20	48	Correctly Engrossed	1695
Mar.	29	55	Final Reading 45-3-1	2076
Mar.	29	55	Speaker signed	2087
Mar.	30	56	Presented to Governor	2093
Apr.	3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 761. By Marsh

Jan.	4	1	Read first time	174
Jan.	6	3	Referred to Committee on Public Health and Welfare	242
Jan.	12	7	Notice of hearing (1-31)	389
Feb.	14	27	Marsh priority bill	936
Feb.	23	32	Placed on General File - Com am #2062	1102
Feb.	29	36	Fenger name added	1185
Mar.	7	41	Committee amendment #2062 adopted as amended by Beutler amendment. Beutler amendment adopted. Advanced for Review	1389
Mar.	13	45	Marsh amendment #2419 to committee amendment printed	1575
Mar.	20	48	Placed on Select File - AM5386	1668

Mar. 22	50	Marsh amendment #2546 to committee amendment printed	1782
Mar. 27	53	Fenger amendment #2609 printed	1929
Mar. 28	54	AM5386 (E and R) adopted. Marsh pending amendment #2419 p. 1575 withdrawn. Marsh pending amendment #2546 p. 1782 adopted. Fenger pending amendment #2609 p. 1929 adopted as amended by Fenger and Beutler amendments. Advanced for Engrossment	1965
Mar. 28	54	Attorney General's Opinion to Landis	1979
Apr. 2	57	Correctly Engrossed. ER0226 change	2170
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading 43-1-5	2362
Apr. 5	59	Speaker signed. Presented to Governor	2385
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 761A. By Marsh

Mar. 1	37	Read first time. Placed on General File	1216
Mar. 7	41	Advanced for Review	1390
Mar. 20	48	Placed on Select File	1669
Mar. 28	54	Marsh amendments adopted. Advanced for Engrossment	1966
Apr. 2	57	Correctly Engrossed	2170
Apr. 2	57	ER0232 change	2171
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading 43-1-5	2363
Apr. 5	59	Speaker signed. Presented to Governor	2385
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 762. By R. Johnson, Lundy, DeCamp, Pappas

Jan. 4	1	Read first time	174
Jan. 6	3	Referred to Committee on Administrative Rules and Regulations Review	242
Jan. 11	6	Notice of hearing (1-23)	373
Jan. 24	14	Haberman name added	560
Feb. 7	22	DeCamp name withdrawn	806
Feb. 15	28	Placed on General File - Com am #1972	965
Feb. 16	29	Administrative Rules and Regulations Review Committee priority bill	1004
Mar. 15	47	Attorney General's Opinion to R. Johnson	1656
Mar. 20	48	Committee amendment #1972 adopted as amended by Beutler amendments (4). Beutler and Wesely amendments lost	1699

Mar. 20	48	Higgins motion to indefinitely postpone lost. Hoagland and Newell amendments lost. Advanced for Review	1706
Mar. 22	50	V. Johnson amendments #2573, #2574, and #2567 to committee amendment printed	1804
Mar. 22	50	V. Johnson amendment #2572 to committee amendment printed	1807
Mar. 22	50	V. Johnson amendment #2575 to committee amendment printed	1808
Mar. 26	52	Newell amendment #2555 to committee amendment printed	1850
Mar. 26	52	Placed on Select File - AM5404	1880
Mar. 28	54	Hannibal amendment to committee amendment printed	1996
Mar. 28	54	Vickers amendments to committee amendment printed	2002
Mar. 29	55	AM5404 (E and R) adopted. Newell pending amendment #2555 p. 1850 adopted. Higgins amendment lost. Hannibal pending amendment p. 1996 pending	2028
Apr. 2	57	V. Johnson pending amendments #2573, #2574, #2572 and #2575 withdrawn. Vickers pending amendments p. 2002 and Hannibal pending amendment p. 1996 withdrawn. R. Johnson-V. Johnson amendment adopted. V. Johnson amendment #2567 ruled not germane. Advanced for Engrossment	2211
Apr. 3	58	Correctly Engrossed. ER0247 change	2236
Apr. 9	60	Final Reading 32-15-2	2400
Apr. 9	60	Speaker signed	2431
Apr. 9	60	Presented to Governor	2444
Apr. 18	AJ	Returned by Governor without approval	2487

LEGISLATIVE BILL 763. By Newell

Jan. 4	1	Read first time	174
Jan. 6	3	Referred to Committee on Public Health and Welfare	242
Jan. 6	3	Notice of hearing (1-17)	253
Feb. 21	30	Placed on General File - Com am #2025	1023
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 764. By Chambers

Jan. 4	1	Read first time	174
Jan. 6	3	Referred to Committee on Education	242
Jan. 17	9	Notice of hearing (1-24)	452
Feb. 8	23	Placed on General File - Com am #1920	831
Mar. 2	38	Committee amendment #1920 adopted. Advanced for Review	1269
Mar. 8	42	Placed on Select File - AM5350	1441
Mar. 22	50	Chambers amendment #2536 printed	1776
Apr. 3	58	AM5350 (E and R) adopted. Chambers pending amendment #2536 withdrawn. Advanced for Engrossment	2267
Apr. 3	58	Correctly Engrossed	2280
Apr. 3	58	Returned to Select File for Chambers amendment. Chambers amendment #2536 p. 1776 adopted. Advanced for Re-Engrossment	2282
Apr. 3	58	Correctly Re-Engrossed. ER0262 change	2288
Apr. 9	60	Final Reading 48-1-0	2401
Apr. 9	60	Speaker signed	2431
Apr. 9	60	Presented to Governor	2444
Apr. 18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 765. By Chambers

Jan. 4	1	Read first time	174
Jan. 6	3	Referred to Committee on Business and Labor	242
Jan. 9	4	Notice of hearing (1-25)	314
Feb. 2	19	Placed on General File - Com am #1805	705
Feb. 21	30	Nichol priority bill	1036
Mar. 22	50	Chambers amendment #2537 printed	1785
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 766. By Rupp

Jan. 4	1	Read first time	174
Jan. 6	3	Referred to Committee on Public Works	243
Jan. 24	14	Notice of hearing (2-10)	560
Feb. 29	36	Placed on General File - Com am #2155	1193
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 767. By Wesely

Jan. 4	1	Read first time	174
Jan. 6	3	Referred to Committee on Agriculture	

			and Environment	243
Jan.	12	7	Notice of hearing (1-19)	391
Jan.	26	16	Placed on General File - Com am #1735	587
Feb.	15	28	Committee amendment #1735 adopted. Advanced for Review	972
Feb.	22	31	Placed on Select File - AM5288	1078
Mar.	20	48	Wesely amendment #2150 to committee amendment printed	1684
Mar.	29	55	AM5288 (E and R) adopted. Wesely pending amendment #2150 p. 1684 adopted. Advanced for Engrossment	2089
Apr.	2	57	Correctly Engrossed	2174
Apr.	2	57	ER0236 change	2175
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 44-0-5	2364
Apr.	5	59	Speaker signed. Presented to Governor	2385
Apr.	9	60	Approved by Governor (4-9)	2447

LEGISLATIVE BILL 767A. By Wesely

Feb.	8	23	Read first time. Placed on General File	843
Feb.	15	28	Advanced for Review	973
Feb.	22	31	Placed on Select File	1078
Mar.	29	55	Advanced for Engrossment	2089
Apr.	2	57	Correctly Engrossed	2174
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 45-0-4	2365
Apr.	5	59	Speaker signed. Presented to Governor	2385
Apr.	9	60	Approved by Governor (4-9)	2447

LEGISLATIVE BILL 768. By Wesely

Jan.	4	1	Read first time	175
Jan.	6	3	Referred to Committee on Education	243
Jan.	9	4	Notice of hearing (1-17)	297
Feb.	7	22	Placed on General File	824
Feb.	10	25	Advanced for Review	877
Feb.	16	29	Placed on Select File - AM5274	985
Feb.	24	33	AM5274 (E and R) adopted. Advanced for Engrossment	1126
Mar.	5	39	Correctly Engrossed	1286
Mar.	9	43	Final Reading 46-0-3	1469
Mar.	9	43	Speaker signed	1478
Mar.	9	43	Presented to Governor	1490
Mar.	15	47	Approved by Governor (3-15)	1651

LEGISLATIVE BILL 769. By Wesely, V. Johnson

Jan. 4	1	Read first time	184
Jan. 6	3	Referred to Committee on Revenue	243
Jan. 24	14	Notice of hearing (2-13)	567
Feb. 16	29	Kilgarin name added	997
Feb. 16	29	Placed on General File	999
Feb. 16	29	Kilgarin priority bill	1002
Mar. 5	39	Advanced for Review	1327
Mar. 13	45	Placed on Select File	1585
Mar. 15	47	Advanced for Engrossment	1643
Mar. 23	51	Correctly Engrossed	1832
Apr. 5	59	Final Reading 37-6-6	2312
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 9	60	Returned by Governor without approval	2430
Apr. 9	60	Newell-Pappas-Kilgarin motion to override veto lost 23-20-6	2456

LEGISLATIVE BILL 770. By Abboud

Jan. 4	1	Read first time	184
Jan. 6	3	Referred to Committee on Revenue	243
Jan. 24	14	Notice of hearing (2-28)	568
Mar. 5	39	Indefinitely postponed	1293

LEGISLATIVE BILL 771. By DeCamp

Jan. 4	1	Read first time	184
Jan. 6	3	Referred to Committee on Miscellaneous Subjects	243
Jan. 12	7	Notice of hearing (1-20)	398
Jan. 31	17	DeCamp-H. Peterson amendment #1839 printed	660
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 772. By Warner

Jan. 4	1	Read first time	184
Jan. 6	3	Referred to Committee on Appropriations	243
Jan. 26	16	Notice of hearing (2-7)	623
Feb. 13	26	Placed on General File - Com am #1982	915
Feb. 22	31	Committee amendment #1982 adopted. Advanced for Review	1070
Feb. 22	31	Expedited	1078
Feb. 23	32	Placed on Select File	1091

Feb.	24	33	Advanced for Engrossment	1124
Feb.	27	34	Correctly Engrossed	1136
Mar.	1	37	Final Reading w/E 44-0-5	1210
Mar.	1	37	President signed	1217
Mar.	1	37	Presented to Governor	1221
Mar.	1	37	Approved by Governor (3-1)	1241
Mar.	2	38	Abboud explanation of vote	1273

LEGISLATIVE BILL 772A. By Warner

Feb.	16	29	Read first time. Placed on General File	1001
Feb.	22	31	Advanced for Review	1070
Feb.	22	31	Expedited	1078
Feb.	23	32	Placed on Select File - AM5297	1091
Feb.	24	33	AM5297 (E and R) adopted. Advanced for Engrossment	1124
Feb.	27	34	Correctly Engrossed	1136
Feb.	27	34	ER0171 change	1137
Mar.	1	37	Final Reading w/E 47-0-2	1216
Mar.	1	37	President signed	1217
Mar.	1	37	Presented to Governor	1221
Mar.	1	37	Approved by Governor (3-1)	1241
Mar.	2	38	Abboud explanation of vote	1273

LEGISLATIVE BILL 773. By Wesely

Jan.	4	1	Read first time	184
Jan.	6	3	Referred to Committee on Judiciary	243
Jan.	12	7	Notice of hearing (1-24)	409
Jan.	25	15	Placed on General File	573
Feb.	10	25	Advanced for Review	867
Feb.	13	26	Placed on Select File - AM5253	907
Feb.	15	28	Correction	956
Feb.	24	33	AM5253 (E and R) adopted. Advanced for Engrossment	1124
Mar.	2	38	Correctly Engrossed	1263
Mar.	7	41	Final Reading 47-0-2	1415
Mar.	7	41	President signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 774. By Banking, Commerce and Insurance Committee

Jan.	4	1	Read first time	184
Jan.	6	3	Referred to Committee on Banking, Commerce and Insurance	243
Jan.	6	3	Notice of hearing (1-17)	255
Jan.	20	12	Placed on General File	512
Jan.	23	13	DeCamp amendment adopted. Advanced for Review	538
Jan.	26	16	Placed on Select File - AM5225	619
Feb.	2	19	DeCamp amendment #1823 printed	730
Mar.	1	37	Goodrich amendment printed	1232
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 775. By Barrett

Jan.	4	1	Read first time	185
Jan.	6	3	Referred to Committee on Public Health and Welfare	243
Jan.	6	3	Notice of hearing (1-16)	253
Jan.	17	9	Placed on General File	445
Jan.	19	11	Advanced for Review	488
Jan.	24	14	Placed on Select File	553
Jan.	31	17	Advanced for Engrossment	665
Feb.	2	19	Correctly Engrossed	716
Feb.	7	22	Final Reading 44-0-5	822
Feb.	7	22	President signed	827
Feb.	8	23	Presented to Governor	830
Feb.	13	26	Approved by Governor (2-10)	887

LEGISLATIVE BILL 776. By Barrett, Hannibal

Jan.	4	1	Read first time	185
Jan.	6	3	Referred to Committee on Business and Labor	243
Jan.	9	4	Notice of hearing (1-25)	314
Feb.	1	18	Placed on General File - Com am #1791	682
Feb.	9	24	Pappas amendment printed	856
Feb.	16	29	Barrett priority bill	1001
Feb.	27	34	Committee amendment #1791 adopted. Pappas pending amendment p. 856 withdrawn. Advanced for Review	1151
Mar.	5	39	Placed on Select File - AM5324	1288
Mar.	8	42	Barrett amendment #2343 printed	1464
Mar.	9	43	AM5324 (E and R) adopted. Barrett pending amendment #2343 p. 1464 adopted.	

		Advanced for Engrossment	1479
Mar. 20	48	Correctly Engrossed	1678
Mar. 29	55	Final Reading 47-0-2	2077
Mar. 29	55	Speaker signed	2087
Mar. 30	56	Presented to Governor	2093
Apr. 3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 777. By V. Johnson

Jan. 4	1	Read first time	185
Jan. 6	3	Referred to Committee on Banking, Commerce and Insurance	243
Jan. 6	3	Notice of hearing (1-17)	255
Feb. 13	26	Indefinitely postponed	895

LEGISLATIVE BILL 778. By V. Johnson

Jan. 4	1	Read first time	185
Jan. 6	3	Referred to Committee on Public Health and Welfare	243
Feb. 2	19	Notice of hearing (2-27)	729
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 779. By R. Johnson

Jan. 4	1	Read first time	185
Jan. 6	3	Referred to Committee on Agriculture and Environment	243
Jan. 12	7	Notice of hearing (1-19)	391
Jan. 23	13	Indefinitely postponed	534

LEGISLATIVE BILL 780. By DeCamp

Jan. 4	1	Read first time	185
Jan. 6	3	Referred to Committee on Public Health and Welfare	243
Jan. 26	16	Notice of hearing (2-7)	622
Feb. 15	28	Indefinitely postponed	980

LEGISLATIVE BILL 781. By Marsh

Jan. 4	1	Read first time	186
Jan. 6	3	Referred to Committee on Education	243
Jan. 26	16	Notice of hearing (2-14)	612
Feb. 21	30	Placed on General File - Com am #2046	1030
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 782. By Urban Affairs Committee

Jan.	4	1	Read first time	186
Jan.	6	3	Referred to Committee on Urban Affairs	243
Jan.	10	5	Notice of hearing (1-18)	352
Jan.	23	13	Placed on General File - Com am #1716	542
Jan.	24	14	Committee amendment #1716 adopted. Advanced for Review	568
Jan.	31	17	Placed on Select File - AM5237	628
Feb.	15	28	Newell amendment #2014 to committee amendment printed	979
Feb.	22	31	AM5237 (E and R) adopted. Newell pending amendment #2014 withdrawn. Newell-Beutler amendment adopted. Advanced for Engrossment	1079
Feb.	27	34	Correctly Engrossed	1136
Feb.	27	34	ER0169 change	1137
Mar.	1	37	Returned to Select File for Higgins amendment. Higgins amendment #2284 adopted. Advanced for Re-Engrossment	1211
Mar.	6	40	Correctly Re-Engrossed	1345
Mar.	9	43	Final Reading w/E 43-0-6	1476
Mar.	9	43	Speaker signed	1478
Mar.	9	43	Presented to Governor	1490
Mar.	15	47	Approved by Governor (3-15)	1652

LEGISLATIVE BILL 783. By V. Johnson

Jan.	4	1	Read first time	186
Jan.	6	3	Referred to Committee on Public Health and Welfare	243
Jan.	12	7	Notice of hearing (1-23)	389
Feb.	6	21	Placed on General File - Com am #1882	792
Mar.	2	38	Committee amendment #1882 adopted. Advanced for Review	1269
Mar.	6	40	Fenger amendment #2282 printed	1351
Mar.	8	42	Placed on Select File - AM5349	1441
Mar.	30	56	AM5349 (E and R) adopted. Fenger pending amendment #2282 p. 1351 withdrawn. Advanced for Engrossment	2161
Apr.	2	57	Correctly Engrossed	2188
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 42-5-2	2365
Apr.	5	59	Speaker signed. Presented to Governor	2385
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 784. By L. Johnson, Schmit, Labedz, Higgins, Nichol, Remmers, H. Peterson, Jacobson, Rupp, Pappas, Kahle, DeCamp

Jan.	5	2	Read first time	197
Jan.	6	3	Referred to Committee on Judiciary	243
Jan.	20	12	Notice of hearing (2-7)	527
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 785. By L. Johnson, Barrett, Remmers, H. Peterson, Pappas, Kahle, Hefner, Labedz, Clark, DeCamp, Chronister, Morehead

Jan.	5	2	Read first time	197
Jan.	6	3	Referred to Committee on Banking, Commerce and Insurance	243
Jan.	16	8	Notice of hearing (1-24)	412
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 786. By Remmers

Jan.	5	2	Read first time	198
Jan.	6	3	Referred to Committee on Judiciary	243
Jan.	12	7	Notice of hearing (1-24)	409
Mar.	12	44	Placed on General File - Com am #2029	1554
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 787. By Beutler

Jan.	5	2	Read first time	198
Jan.	6	3	Referred to Committee on Education	243
Jan.	9	4	Notice of hearing (1-17)	297
Feb.	29	36	Placed on General File - Com am #1933	1202
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 788. By Warner

Jan.	5	2	Read first time	198
Jan.	6	3	Referred to Committee on Miscellaneous Subjects	243
Jan.	24	14	Notice of hearing (2-16)	560
Feb.	28	35	Placed on General File	1181
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 789. By Warner

Jan.	5	2	Read first time	198
Jan.	6	3	Referred to Committee on Miscellaneous Subjects	243
Jan.	24	14	Notice of hearing (2-16)	560
Feb.	28	35	Indefinitely postponed	1181

LEGISLATIVE BILL 790. By Warner

Jan.	5	2	Read first time	198
Jan.	6	3	Referred to Committee on Public Works	243
Jan.	24	14	Notice of hearing (2-15)	560
Feb.	23	32	Placed on General File - Com am #2067	1098
Mar.	13	45	Committee amendment #2067 adopted. Advanced for Review	1588
Mar.	21	49	Placed on Select File - AM5399	1758
Apr.	2	57	AM5399 (E and R) adopted. Advanced for Engrossment	2218
Apr.	3	58	Correctly Engrossed	2236
Apr.	3	58	Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment	2252
Apr.	3	58	Correctly Re-Engrossed. ER0256 change	2280
Apr.	9	60	Final Reading 47-0-2	2402
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 791. By Goodrich

Jan.	5	2	Read first time	198
Jan.	6	3	Referred to Committee on Revenue	243
Jan.	10	5	Notice of hearing (1-18)	329
Jan.	24	14	Placed on General File - Com am #1725	554
Feb.	2	19	V. Johnson amendment printed	708
Feb.	15	28	Committee amendment #1725 adopted as amended by V. Johnson pending amendment. Advanced for Review	971
Feb.	22	31	Placed on Select File - AM5286	1063
Feb.	24	33	AM5286 (E and R) adopted. Hefner amendment #1927 lost. Advanced for Engrossment	1134
Mar.	5	39	Correctly Engrossed	1286
Mar.	30	56	Final Reading 43-0-6	2157
Mar.	30	56	Speaker signed	2161

Apr. 2	57	Presented to Governor	2165
Apr. 9	60	Approved by Governor (4-5)	2388

LEGISLATIVE BILL 792. By Landis

Jan. 5	2	Read first time	198
Jan. 6	3	Referred to Committee on Public Works	243
Jan. 16	8	Notice of hearing (1-25)	413
Feb. 29	36	Indefinitely postponed	1185

LEGISLATIVE BILL 793. By Hefner

Jan. 5	2	Read first time	199
Jan. 6	3	Referred to Committee on Business and Labor	243
Jan. 19	11	Notice of hearing (2-1)	486
Feb. 2	19	Indefinitely postponed	733

LEGISLATIVE BILL 794. By Kahle

Jan. 5	2	Read first time	199
Jan. 6	3	Referred to Committee on Revenue	243
Jan. 24	14	Notice of hearing (2-13)	567
Mar. 5	39	Indefinitely postponed	1344

LEGISLATIVE BILL 795. By Hannibal

Jan. 5	2	Read first time	199
Jan. 6	3	Referred to Committee on Revenue	243
Jan. 9	4	Notice of hearing (1-16)	314
Jan 20	12	Placed on General File - Com am #1657	526
Jan. 23	13	Committee amendment #1657 adopted. Hannibal amendment adopted. Advanced for Review	544
Jan. 31	17	Placed on Select File - AM5227	626
Feb. 2	19	AM5227 (E and R) adopted. Advanced for Engrossment	731
Feb. 6	21	Correctly Engrossed	770
Feb. 9	24	Final Reading 31-0-18	853
Feb. 9	24	President signed	855
Feb. 9	24	Haberman explanation of vote	859
Feb. 10	25	Presented to Governor. V. Johnson explanation of vote	864
Feb. 13	26	Approved by Governor (2-10)	888

LEGISLATIVE BILL 796. By Hannibal

Jan.	5	2	Read first time	199
Jan.	6	3	Referred to Committee on Revenue	243
Jan.	10	5	Notice of hearing (1-18)	329
Jan.	20	12	Placed on General File - Com am #1708	526
Jan.	23	13	Committee amendment #1708 adopted. Advanced for Review	547
Jan.	31	17	Placed on Select File - AM5229	626
Feb.	2	19	AM5229 (E and R) adopted. Advanced for Engrossment	731
Feb.	6	21	Correctly Engrossed	770
Feb.	9	24	Final Reading 33-0-16	853
Feb.	9	24	President signed	855
Feb.	9	24	Haberman and Higgins explanations of vote	859
Feb.	10	25	Presented to Governor	864
Feb.	13	26	Approved by Governor (2-10)	888

LEGISLATIVE BILL 797. By Remmers

Jan.	5	2	Read first time	199
Jan.	6	3	Referred to Committee on Miscellaneous Subjects	243
Jan.	18	10	Notice of hearing (2-3)	471
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 798. By Sieck, Kahle, Hefner

Jan.	5	2	Read first time	199
Jan.	6	3	Referred to Committee on Public Health and Welfare	243
Feb.	2	19	Notice of hearing (2-14)	729
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 799. By Barrett

Jan.	5	2	Read first time	200
Jan.	6	3	Referred to Committee on Revenue	243
Jan.	24	14	Notice of hearing (2-14)	567
Feb.	16	29	Placed on General File	999
Feb.	24	33	Advanced for Review	1112
Feb.	28	35	Placed on Select File - AM5306	1179
Mar.	2	38	AM5306 (E and R) adopted. Advanced for Engrossment	1269
Mar.	9	43	Correctly Engrossed	1512
Mar.	14	46	Final Reading w/E 43-0-6	1607

Mar. 14	46	Speaker signed	1611
Mar. 14	46	Presented to Governor	1622
Mar. 20	48	Approved by Governor (3-19)	1667

LEGISLATIVE BILL 800. By Barrett

Jan. 5	2	Read first time	200
Jan. 6	3	Referred to Committee on Revenue	243
Jan. 24	14	Notice of hearing (2-14)	567
Feb. 16	29	Placed on General File - Com am #1996	1000
Mar. 2	38	Committee amendment #1996 adopted. Advanced for Review	1281
Mar. 12	44	Placed on Select File - AM5362	1538
Mar. 30	56	AM5362 (E and R) adopted. Advanced for Engrossment	2162
Apr. 2	57	Correctly Engrossed	2188
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading 45-0-4	2366
Apr. 5	59	Speaker signed. Presented to Governor	2385
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 801. By Barrett

Jan. 5	2	Read first time	200
Jan. 6	3	Referred to Committee on Banking, Commerce and Insurance	243
Jan. 6	3	Notice of hearing (1-16)	254
Feb. 6	21	Placed on General File - Com am #1874	774
Feb. 21	30	Nichol priority bill	1036
Feb. 24	33	Barrett amendment #2028 to committee amendment printed	1130
Mar. 2	38	Committee amendment #1874 adopted as amended by Barrett pending amendment #2028. Advanced for Review	1265
Mar. 8	42	Placed on Select File - AM5346	1439
Mar. 13	45	AM5346 (E and R) adopted. Advanced for Engrossment	1602
Mar. 22	50	Correctly Engrossed. ER0207 change	1791
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading 45-0-4	2367
Apr. 5	59	Speaker signed. Presented to Governor	2385
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 801A. By Barrett

Feb.	13	26	Read first time. Placed on General File	917
Mar.	2	38	Advanced for Review	1266
Mar.	2	38	Barrett amendment printed	1278
Mar.	8	42	Placed on Select File - AM5347	1440
Apr.	2	57	AM5347 (E and R) adopted. Barrett pending amendment p. 1278 adopted. Advanced for Engrossment	2166
Apr.	2	57	Correctly Engrossed	2210
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 42-0-7	2368
Apr.	5	59	Speaker signed. Presented to Governor	2385
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 802. By Barrett

Jan.	5	2	Read first time	200
Jan.	6	3	Referred to Committee on Judiciary	243
Jan.	31	17	Notice of hearing (2-28)	637
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 803. By Goodrich

Jan.	5	2	Read first time	200
Jan.	6	3	Referred to Committee on Judiciary	243
Jan.	9	4	Notice of hearing (1-18)	305
Jan.	12	7	Withem name added	398
Feb.	16	29	Goodrich priority bill	1002
Feb.	28	35	Attorney General's Opinion to Beutler	1159
Mar.	12	44	Placed on General File - Com am #2369	1556
Mar.	20	48	Committee amendment #2369 adopted. Advanced for Review	1711
Mar.	26	52	Placed on Select File - AM5408	1881
Mar.	28	54	AM5408 (E and R) adopted. Newell motion to indefinitely postpone laid over	1994
Apr.	3	58	Newell pending motion to indefinitely postpone withdrawn. Lamb motion to indefinitely postpone prevailed	2234

LEGISLATIVE BILL 804. By Von Minden, Hefner

Jan.	5	2	Read first time	200
Jan.	6	3	Referred to Committee on Judiciary	243
Jan.	31	17	Notice of hearing (2-27)	637
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 805. By Warner, Schmit

Jan.	5	2	Read first time	200
Jan.	6	3	Referred to Committee on Public Works	243
Jan.	10	5	Notice of hearing (1-19)	343
Jan.	31	17	Placed on General File - Com am #1781	633
Feb.	15	28	Committee amendment #1781 adopted. Advanced for Review	973
Feb.	21	30	Attorney General's Opinion to Warner	1010
Feb.	23	32	Placed on Select File - AM5294	1080
Mar.	2	38	AM5294 (E and R) adopted. Advanced for Engrossment	1268
Mar.	9	43	Correctly Engrossed	1504
Mar.	21	49	Wesely motion to return to Select File withdrawn. Final Reading 42-0-7	1740
Mar.	21	49	Speaker signed	1761
Mar.	22	50	Presented to Governor	1771
Mar.	27	53	Approved by Governor (3-27)	1938

LEGISLATIVE BILL 806. By McDonald

Jan.	5	2	Read first time	213
Jan.	6	3	Referred to Committee on Public Works	243
Jan.	10	5	Notice of hearing (1-18)	342
Jan.	31	17	Placed on General File - Com am #1779	634
Feb.	15	28	Chambers amendment lost. Laid over	981
Feb.	21	30	Nichol priority bill	1036
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 807. By Banking, Commerce and Insurance Committee

Jan.	5	2	Read first time	214
Jan.	6	3	Haberman name added	234
Jan.	6	3	Referred to Committee on Banking, Commerce and Insurance	243
Jan.	6	3	Notice of hearing (1-16)	254
Feb.	9	24	Placed on General File	856
Feb.	16	29	Beyer priority bill	1002
Mar.	5	39	DeCamp amendment #1986 printed	1289
Mar.	5	39	Passed over	1296
Mar.	9	43	DeCamp amendment printed	1496
Mar.	20	48	Beyer amendment #2524 printed	1692
Mar.	20	48	DeCamp pending amendments p. 1496 and #1986 p. 1289 withdrawn. Beyer pending amendment #2524 p. 1692	

			adopted. Advanced for Review	1711
Mar.	26	52	Beyer amendment #2583 to amendment #2524 printed	1858
Mar.	26	52	Placed on Select File - AM5406	1881
Mar.	28	54	AM5406 (E and R) adopted. Beyer pending amendment #2583 p. 1858 adopted. Advanced for Engrossment	1993
Apr.	2	57	Correctly Engrossed	2170
Apr.	2	57	ER0227 change	2171
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 42-0-7	2369
Apr.	5	59	Speaker signed. Presented to Governor	2385
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 807A. By DeCamp

Feb.	15	28	Read first time. Placed on General File	961
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 808. By Banking, Commerce and Insurance Committee

Jan.	5	2	Read first time	214
Jan.	6	3	Haberman name added	234
Jan.	6	3	Referred to Committee on Banking, Commerce and Insurance	243
Jan.	6	3	Notice of hearing (1-16)	254
Jan.	23	13	Placed on General File - Com am #1671	545
Feb.	1	18	Committee amendment #1671 adopted. Advanced for Review	703
Feb.	3	20	Placed on Select File - AM5244	737
Feb.	7	22	AM5244 (E and R) adopted. Advanced for Engrossment	824
Feb.	10	25	Correctly Engrossed. ER0164 change	881
Feb.	23	32	Final Reading 44-1-4	1091
Feb.	23	32	President signed	1100
Feb.	23	32	Presented to Governor	1103
Feb.	24	33	Approved by Governor (2-24)	1114

LEGISLATIVE BILL 809. By Newell

Jan.	5	2	Read first time	214
Jan.	6	3	Referred to Committee on Revenue	243
Jan.	16	8	Notice of hearing (1-24)	417
Feb.	16	29	Newell priority bill	1002
Feb.	23	32	Placed on General File	1097

Mar.	5	39	Newell amendment #2296 printed	1340
Mar.	6	40	DeCamp, Goll, Hannibal, Hefner, Higgins, Hoagland, V. Johnson, Kilgarin, Labedz, McDonald, Morehead, Pappas, Pirsch, Remmers, Schmit, Scofield, Von Minden, Wesely, Withem names added. Newell pending amendment #2296 p. 1340 adopted. Advanced for Review	1386
Mar.	7	41	Expedited	1396
Mar.	7	41	Placed on Select File - AM5345	1424
Mar.	9	43	DeCamp amendment #2332 printed	1493
Mar.	13	45	AM5345 (E and R) adopted. Beutler motion to indefinitely postpone lost. Beutler amendment lost. Advanced for Engrossment	1600
Mar.	20	48	Correctly Engrossed	1674
Mar.	20	48	ER0195 change	1679
Apr.	5	59	DeCamp pending amendment #2332 p. 1493 withdrawn. Failed on Final Reading 20-22-7	2307
Apr.	5	59	Newell motion to reconsider action prevailed. Final Reading 28-18-3	2341
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	9	60	Returned by Governor without approval	2429
Apr.	9	60	Newell motion to override veto prevailed 33-16-0	2450
Apr.	9	60	Communication	2466
Apr.	9	60	Certificate	2467
Apr.	18	AJ	Message from Secretary of State. Certificate	2471

LEGISLATIVE BILL 809A. By Newell

Mar.	12	44	Read first time. Placed on General File	1516
Mar.	26	52	Newell amendment adopted. Advanced for Review	1849
Mar.	28	54	Placed on Select File	1959
Mar.	30	56	Failed to advance for Engrossment	2163
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 810. By DeCamp

Jan.	5	2	Read first time	214
Jan.	6	3	Referred to Committee on Banking, Commerce and Insurance	244

Jan.	6	3	Notice of hearing (1-17)	255
Feb.	13	26	Indefinitely postponed	895

LEGISLATIVE BILL 811. By Schmit

Jan.	5	2	Read first time	214
Jan.	6	3	Referred to Committee on Public Works	244
Jan.	10	5	Notice of hearing (1-20)	343
Jan.	26	16	Placed on General File	612
Feb.	10	25	Beutler amendment adopted. Advanced for Review	867
Feb.	14	27	Placed on Select File - AM5256	928
Feb.	24	33	AM5256 (E and R) adopted. Advanced for Engrossment	1124
Mar.	2	38	Correctly Engrossed	1263
Mar.	7	41	Final Reading 45-0-4	1416
Mar.	7	41	President signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Message from Governor	1530
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 812. By Wesely

Jan.	5	2	Read first time	215
Jan.	6	3	Referred to Committee on Public Works	244
Jan.	10	5	Notice of hearing (1-19)	343
Feb.	28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 813. By Newell, V. Johnson, DeCamp, Pirsch, Hannibal

Jan.	5	2	Read first time	215
Jan.	6	3	Referred to Committee on Revenue	244
Jan.	20	12	Notice of hearing (2-1)	513
Feb.	10	25	Placed on General File	863
Feb.	21	30	Nichol priority bill	1036
Feb.	24	33	Hoagland amendments #2107 and #2108 printed	1133
Mar.	1	37	Hannibal amendment #2094 printed	1220
Mar.	13	45	Hannibal pending amendment #2094 p. 1220 withdrawn. Hannibal amendment adopted. Pappas motion to indefinitely postpone prevailed	1590

LEGISLATIVE BILL 814. By Newell, DeCamp, Kilgarin, Morehead, Withem, Goodrich, Labedz, Lamb, V. Johnson, Remmers

Jan.	5	2	Read first time	215
Jan.	6	3	Referred to Committee on Education	244
Jan.	17	9	Notice of hearing (1-31)	453
Feb.	2	19	Attorney General's Opinion to Newell	708
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 815. By Newell

Jan.	5	2	Read first time	216
Jan.	6	3	Referred to Committee on Education	244
Jan.	26	16	Notice of hearing (2-13)	612
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 816. By Newell

Jan.	5	2	Read first time	216
Jan.	6	3	Referred to Committee on Revenue	244
Jan.	24	14	Notice of hearing (2-6)	567
Feb.	10	25	Indefinitely postponed	864

LEGISLATIVE BILL 817. By Newell

Jan.	5	2	Read first time	216
Jan.	9	4	Referred to Committee on Revenue	302
Jan.	24	14	Notice of hearing (2-13)	567
Mar.	5	39	Indefinitely postponed	1293

LEGISLATIVE BILL 818. By Schmit

Jan.	5	2	Read first time	216
Jan.	9	4	Referred to Committee on Public Works	302
Jan.	16	8	Notice of hearing (1-26)	413
Jan.	31	17	Placed on General File	633
Feb.	10	25	Advanced for Review	870
Feb.	14	27	Placed on Select File	930
Feb.	24	33	Advanced for Engrossment	1125
Mar.	2	38	Correctly Engrossed	1263
Mar.	7	41	Final Reading 45-0-4	1417
Mar.	7	41	President signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 819. By Wesely

Jan.	5	2	Read first time	216
Jan.	9	4	Referred to Committee on Government, Military and Veterans Affairs	302
Jan.	12	7	Notice of hearing (2-2)	391
Feb.	15	28	Indefinitely postponed	956

LEGISLATIVE BILL 820. By Hefner

Jan.	5	2	Read first time	217
Jan.	9	4	Referred to Committee on Miscellaneous Subjects	302
Jan.	18	10	Notice of hearing (1-26)	470
Jan.	31	17	Placed on General File	651
Feb.	10	25	Advanced for Review	871
Feb.	10	25	Hefner amendment #1971 printed	885
Feb.	14	27	Placed on Select File - AM5261	932
Feb.	15	28	Hefner amendment #2016 printed	970
Mar.	6	40	AM5261 (E and R) adopted. Hefner pending amendment #1971 p. 885 withdrawn. Hefner pending amendment #2016 p. 970 adopted. Advanced for Engrossment	1363
Mar.	14	46	Correctly Engrossed. ER0185 change	1605
Mar.	21	49	Returned to Select File for Hefner amendment. Hefner amendment #2543 adopted. Advanced for Re-Engrossment	1753
Mar.	26	52	Correctly Re-Engrossed. ER0214 change	1888
Apr.	5	59	Final Reading w/E 44-0-5	2316
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 821. By Wesely, Higgins

Jan.	5	2	Read first time	217
Jan.	9	4	Referred to Committee on Judiciary	302
Jan.	31	17	Notice of hearing (2-28)	637
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 822. By Wesely

Jan.	5	2	Read first time	217
Jan.	9	4	Referred to Committee on Public Health and Welfare	302
Jan.	12	7	Notice of hearing (1-23)	389

Feb.	2	19	Placed on General File - Com am #1821	706
Mar.	2	38	Committee amendment #1821 adopted. Advanced for Review	1263
Mar.	6	40	Placed on Select File - AM5339	1379
Mar.	9	43	AM5339 (E and R) adopted. Advanced for Engrossment	1485
Mar.	21	49	Correctly Engrossed	1715
Apr.	2	57	Final Reading 45-0-4	2181
Apr.	2	57	Speaker signed	2205
Apr.	2	57	Presented to Governor	2210
Apr.	3	58	Approved by Governor (4-3)	2242

LEGISLATIVE BILL 823. By R. Peterson

Jan.	5	2	Read first time	217
Jan.	9	4	Referred to Committee on Public Health and Welfare	302
Feb.	2	19	Notice of hearing (2-28)	730
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 824. By Schmit

Jan.	5	2	Read first time	223
Jan.	9	4	Referred to Committee on Agriculture and Environment	302
Jan.	19	11	Notice of hearing (1-26)	483
Feb.	1	18	Placed on General File - Com am #1817	675
Feb.	24	33	Committee amendment #1817 adopted. Advanced for Review	1123
Mar.	1	37	Placed on Select File - AM5313	1231
Mar.	9	43	AM5313 (E and R) adopted. Advanced for Engrossment	1483
Mar.	20	48	Correctly Engrossed	1678
Mar.	29	55	Final Reading 47-0-2	2077
Mar.	29	55	Speaker signed	2087
Mar.	30	56	Presented to Governor	2093
Apr.	3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 825. By DeCamp, Remmers

Jan.	5	2	Read first time	223
Jan.	9	4	Lundy name added	292
Jan.	9	4	R. Johnson name added	297
Jan.	9	4	Referred to Committee on Public Works	302
Jan.	9	4	Goll name added	305
Jan.	9	4	Barrett name added	306

Jan.	9	4	Chronister, L. Johnson, Clark names added	320
Jan.	9	4	H. Peterson, Kahle names added	323
Jan.	10	5	Hefner, Sieck names added	340
Jan.	16	8	Notice of hearing (1-25)	413
Jan.	17	9	Carsten name added	436
Jan.	17	9	Von Minden name added	437
Jan.	17	9	H. Peterson name added	442
Jan.	17	9	Eret, Morehead, R. Peterson names added	446
Jan.	17	9	Withem name added	457
Jan.	23	13	Jacobson name added	537
Jan.	26	16	Beyer name added	623
Feb.	9	24	Goll priority bill	848
Feb.	16	29	Placed on General File - Com am #1928	989
Mar.	2	38	Committee amendment #1928 considered	1280
Mar.	5	39	Newell amendment #2290 to committee amendment lost. Committee amendment #1928 (1) and (2) adopted	1321
Mar.	5	39	Jacobson amendment #2264 lost. Beutler amendment adopted. Advanced for Review	1326
Mar.	13	45	Placed on Select File - AM5376	1584
Mar.	15	47	AM5376 (E and R) adopted. Goll-Fenger-Hefner amendment #2469 adopted. Jacobson amendment #2329 adopted. Advanced for Engrossment	1642
Mar.	23	51	Correctly Engrossed. ER0198 change	1832
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading w/E 42-2-5	2369
Apr.	5	59	Speaker signed	2385
Apr.	9	60	Presented to Governor	2388
Apr.	9	60	Approved by Governor (4-9)	2447

LEGISLATIVE BILL 825A. By DeCamp

Mar.	8	42	Read first time. Placed on General File	1432
Mar.	12	44	Advanced for Review	1543
Mar.	21	49	Placed on Select File	1740
Apr.	2	57	Advanced for Engrossment	2166
Apr.	2	57	Correctly Engrossed	2210
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final reading w/E 42-2-5	2371
Apr.	5	59	Speaker signed	2385
Apr.	9	60	Presented to Governor	2388
Apr.	9	60	Approved by Governor (4-9)	2447

LEGISLATIVE BILL 826. By Wesely

Jan.	5	2	Read first time	224
Jan.	9	4	Referred to Committee on Government, Military and Veterans Affairs	302
Jan.	10	5	Notice of hearing (1-26)	352
Feb.	13	26	Placed on General File - Com am #1872	891
Mar.	2	38	Committee amendment #1872 adopted. Advanced for Review	1275
Mar.	2	38	Warner amendment #2116 printed	1278
Mar.	12	44	Placed on Select File - AM5356	1525
Mar.	30	56	Hoagland amendment #2695 printed	2148
Apr.	3	58	Hoagland pending amendment #2695 p. 2148 and Warner pending amendment #2116 p. 1278 withdrawn. AM5356 (E and R) adopted. Advanced for Engrossment	2268
Apr.	3	58	Correctly Engrossed	2280
Apr.	3	58	ER0259 change	2281
Apr.	3	58	Returned to Select File for Warner amendment. Warner amendment #2116 adopted. Advanced for Re-Engrossment	2283
Apr.	3	58	Correctly Re-Engrossed	2288
Apr.	3	58	ER0264 change	2289
Apr.	9	60	Final Reading 49-0-0	2402
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 827. By Morehead

Jan.	5	2	Read first time	224
Jan.	9	4	Referred to Committee on Appropriations	302
Feb.	1	18	Notice of hearing (2-22)	699
Mar.	5	39	Placed on General File	1301
Mar.	12	44	Message from Governor	1530
Mar.	13	45	Failed to advance for Review	1574
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 828. By Hoagland, Nichol

Jan.	5	2	Read first time	224
Jan.	9	4	Referred to Committee on Judiciary	302
Jan.	11	6	Wesely name added	364
Jan.	12	7	Notice of hearing (1-24)	409
Feb.	6	21	Haberman name added	776
Mar.	26	52	H. Peterson name added	1847

Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 829. By Wesely

Jan.	5	2	Read first time	224
Jan.	9	4	Referred to Committee on Business and Labor	302
Jan.	19	11	Notice of hearing (2-8)	486
Feb.	16	29	Business and Labor Committee priority bill	1003
Feb.	21	30	Placed on General File - Com am #2047	1036
Mar.	20	48	Committee amendment #2047 adopted. Warner motion to indefinitely postpone laid over	1709
Mar.	23	51	Warner pending motion to indefinitely postpone lost. Advanced for Review	1832
Mar.	28	54	Placed on Select File	1944
Apr.	3	58	Advanced for Engrossment	2237
Apr.	3	58	Correctly Engrossed	2263
Apr.	9	60	Failed on Final Reading 22-25-2	2403
Apr.	9	60	Clark motion to reconsider action prevailed. Failed on Final Reading 24-22-3	2455

LEGISLATIVE BILL 830. By Warner

Jan.	5	2	Read first time	224
Jan.	9	4	Referred to Committee on Revenue	302
Jan.	24	14	Notice of hearing (2-14)	567
Feb.	16	29	Placed on General File - Com am #2027	1000
Feb.	16	29	L. Johnson priority bill	1002
Mar.	5	39	Passed over	1327
Mar.	5	39	Labedz amendment #2286 printed	1333
Mar.	14	46	Committee amendment #2027 adopted. Warner amendment adopted. Advanced for Review	1615
Mar.	22	50	Placed on Select File - AM5400	1776
Mar.	28	54	AM5400 (E and R) adopted. Labedz pending amendment #2286 p. 1333 ruled not germane	1987
Mar.	28	54	Advanced for Enrossment	1992
Mar.	30	56	Correctly Engrossed	2162
Apr.	5	59	Final Reading 44-0-5	2333
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 831. By Wesely

Jan.	5	2	Read first time	224
Jan.	9	4	Referred to Committee on Revenue	302
Jan.	24	14	Notice of hearing (2-22)	567
Mar.	5	39	Indefinitely postponed	1293

LEGISLATIVE BILL 832. By McDonald

Jan.	5	2	Read first time	228
Jan.	9	4	Referred to Committee on Business and Labor	302
Jan.	19	11	Notice of hearing (2-8)	486
Jan.	26	16	Hefner name added	595
Feb.	16	29	R. Peterson priority bill	1002
Feb.	21	30	Placed on General File - Com am #2048	1036
Mar.	6	40	McDonald amendment #2311 printed	1374
Mar.	21	49	Landis amendment #2533 printed	1733
Mar.	23	51	Committee amendment #2048 adopted. McDonald pending amendment #2311 p. 1374 and Landis pending amendment #2533 p. 1733 withdrawn. Landis-McDonald-R. Peterson amendment #2585 adopted. Advanced for Review	1843
Mar.	28	54	Placed on Select File - AM5415	1946
Apr.	2	57	AM5415 (E and R) adopted. Advanced for Engrossment	2211
Apr.	3	58	Correctly Engrossed	2236
Apr.	3	58	ER0249 change	2237
Apr.	9	60	Final Reading 48-0-1	2404
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	9	60	R. Peterson name added	2463
Apr.	18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 832A. By McDonald

Feb.	28	35	Read first time. Placed on General File	1168
Mar.	23	51	Advanced for Review	1843
Mar.	28	54	Placed on Select File	1946
Apr.	2	57	McDonald amendment adopted. Advanced for Engrossment	2211
Apr.	3	58	Correctly Engrossed	2236
Apr.	9	60	Final Reading 49-0-0	2404
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 833. By Revenue Committee

Jan.	5	2	Read first time	229
Jan.	9	4	Referred to Committee on Revenue	302
Jan.	9	4	Notice of hearing (1-16)	314
Jan.	24	14	Placed on General File - Com am #1706	555
Feb.	15	28	Committee amendment #1706 adopted. Advanced for Review	971
Feb.	22	31	Placed on Select File - AM5293	1077
Feb.	24	33	AM5293 (E and R) adopted. Advanced for Engrossment	1127
Mar.	5	39	Correctly Engrossed	1286
Mar.	9	43	Final Reading w/E 45-0-4	1469
Mar.	9	43	Speaker signed	1478
Mar.	9	43	Presented to Governor	1490
Mar.	15	47	Approved by Governor (3-15)	1651

LEGISLATIVE BILL 833A. By Carsten

Feb.	1	18	Read first time. Placed on General File	675
Feb.	15	28	Advanced for Review	972
Feb.	22	31	Placed on Select File	1078
Feb.	24	33	Advanced for Engrossment	1127
Mar.	5	39	Correctly Engrossed	1286
Mar.	9	43	Final Reading w/E 46-0-3	1470
Mar.	9	43	Speaker signed	1478
Mar.	9	43	Presented to Governor	1490
Mar.	15	47	Approved by Governor (3-15)	1651

LEGISLATIVE BILL 834. By Revenue Committee

Jan.	5	2	Read first time	229
Jan.	9	4	Referred to Committee on Revenue	302
Jan.	10	5	Notice of hearing (1-17)	329
Jan.	20	12	Indefinitely postponed	513

LEGISLATIVE BILL 835. By Revenue Committee

Jan.	5	2	Read first time	229
Jan.	9	4	Referred to Committee on Revenue	302
Jan.	9	4	Notice of hearing (1-16)	314
Jan.	20	12	Placed on General File - Com am #1705	531
Jan.	24	14	Committee amendment #1705 adopted. Advanced for Review	561
Jan.	31	17	Placed on Select File - AM5235	627
Feb.	6	21	AM5235 (E and R) adopted. Carsten	

		amendment #1897 adopted. Advanced for Engrossment	793
Feb. 9	24	Correctly Engrossed. ER0162 change	844
Feb. 10	25	Attorney General's Opinion to V. Johnson	865
Apr. 3	58	Returned to Select File for Carsten amendment. Carsten amendment #2707 adopted. Advanced for Re-Engrossment	2248
Apr. 9	60	Correctly Re-Engrossed	2271
Apr. 9	60	Final Reading 48-0-1	2405
Apr. 9	60	Speaker signed	2431
Apr. 9	60	Presented to Governor	2444
Apr. 18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 835A. By Carsten

Feb. 1	18	Read first time. Placed on General File	676
Feb. 23	32	Advanced for Review	1084
Feb. 27	34	Placed on Select File	1138
Mar. 1	37	Carsten amendment printed	1220
Mar. 29	55	Carsten pending amendment adopted. Advanced for Engrossment	2089
Apr. 2	57	Correctly Engrossed	2174
Apr. 2	57	ER0241 change	2175
Apr. 9	60	Final Reading 47-0-2	2406
Apr. 9	60	Speaker signed	2431
Apr. 9	60	Presented to Governor	2444
Apr. 18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 836. By Abboud

Jan. 6	3	Read first time	235
Jan. 9	4	Referred to Committee on Miscellaneous Subjects	302
Jan. 18	10	Notice of hearing (2-3)	471
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 837. By Lundy

Jan. 6	3	Read first time	235
Jan. 9	4	Referred to Committee on Urban Affairs	303
Jan. 10	5	Notice of hearing (1-18)	352
Jan. 23	13	Placed on General File - Com am #1701	542
Jan. 24	14	Committee amendment #1701 adopted. Advanced for Review	569
Jan. 31	17	Placed on Select File	628
Feb. 6	21	Advanced for Engrossment	794

Feb.	9	24	Correctly Engrossed	844
Feb.	23	32	Final Reading 44-0-5	1087
Feb.	23	32	President signed	1100
Feb.	23	32	Presented to Governor	1103
Feb.	24	33	Sieck explanation of vote	1110
Feb.	24	33	Approved by Governor (2-24)	1114

LEGISLATIVE BILL 838. By Performance Review and Audit Committee

Jan.	6	3	Read first time	236
Jan.	6	3	Lundy name added	239
Jan.	9	4	Referred to Committee on Appropriations	303
Jan.	25	15	Wagner name added	571
Feb.	1	18	Notice of hearing (2-23)	700
Feb.	15	28	Wagner priority bill	958
Feb.	24	33	Placed on General File - Com am #2113	1129
Mar.	7	41	Committee amendment #2113 adopted. Advanced for Review	1390
Mar.	20	48	Placed on Select File - AM5384	1669
Mar.	28	54	AM5384 (E and R) adopted. Advanced for Engrossment	1966
Mar.	30	56	Correctly Engrossed	2162
Apr.	5	59	Final Reading w/E 46-0-3	2334
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 839. By Performance Review and Audit Committee at request of Governor

Jan.	6	3	Read first time	236
Jan.	9	4	Referred to Committee on Public Health and Welfare	303
Feb.	2	19	Notice of hearing (2-14)	729
Feb.	29	36	Placed on General File - Com am #2173	1194
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 840. By Appropriations Committee

Jan.	6	3	Read first time	236
Jan.	9	4	Referred to Committee on Public Health and Welfare	303
Feb.	2	19	Notice of hearing (2-14)	729
Feb.	16	29	Performance Review and Audit Committee priority bill	1004

Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 841. By Performance Review and Audit Committee

Jan.	6	3	Read first time	236
Jan.	9	4	Referred to Committee on Appropriations	303
Feb.	1	18	Notice of hearing (2-10)	698
Feb.	21	30	Nichol priority bill	1036
Mar.	5	39	Placed on General File - Com am #2239	1301
Mar.	29	55	Committee amendment #2239 adopted. Advanced for Review	2032
Mar.	30	56	Placed on Select File - AM5429	2151
Apr.	3	58	AM5429 (E and R) adopted. Advanced for Engrossment	2259
Apr.	3	58	Correctly Engrossed	2280
Apr.	9	60	Final Reading 47-1-1	2407
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 842. By Kilgarin

Jan.	6	3	Read first time	237
Jan.	9	4	Referred to Committee on Banking, Commerce and Insurance	303
Jan.	16	8	Notice of hearing (1-24)	412
Mar.	2	38	Placed on General File	1256
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 843. By Pappas, Morehead

Jan.	6	3	Read first time	239
Jan.	9	4	Referred to Committee on Government, Military and Veterans Affairs	303
Jan.	9	4	Notice of hearing (1-19)	314
Jan.	10	5	Rereferred to Committee on Nebraska Retirement Systems	348
Jan.	10	5	Notice of hearing (cancelled)	352
Jan.	16	8	Notice of hearing (1-23)	423
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 844. By DeCamp

Jan.	6	3	Read first time	240
Jan.	9	4	Referred to Committee on Education	303

Jan.	26	16	Notice of hearing (2-13)	612
Feb.	24	33	Indefinitely postponed	1135

LEGISLATIVE BILL 845. By Judiciary Committee

Jan.	6	3	Read first time	240
Jan.	9	4	Referred to Committee on Judiciary	303
Jan.	9	4	Notice of hearing (1-16)	305
Feb.	14	27	Judiciary Committee priority bill	936
Feb.	14	27	Placed on General File - Com am #1949	943
Mar.	8	42	Beutler amendment #2313 to committee amendment printed	1462
Mar.	9	43	Wesely amendment #2295 printed	1508
Mar.	14	46	Wesely amendment #2430 to committee amendment printed	1627
Mar.	26	52	Hoagland amendment #2613 printed	1866
Mar.	26	52	Hoagland amendment #2615 printed	1887
Mar.	26	52	Hoagland amendment #2627 printed	1893
Mar.	27	53	Wesely pending amendments #2430 p. 1627, #2295 p. 1508, Beutler pending amendment #2313 p. 1462, Hoagland pending amendments #2615 p. 1887, and #2613 p. 1866 withdrawn. Committee amendment #1949 adopted as amended by Hoagland pending amendment #2627 p. 1893 and Schmit amendment. Advanced for Review	1922
Mar.	29	55	Placed on Select File - AM5425	2064
Mar.	30	56	Wesely amendment #2683 printed	2148
Apr.	3	58	AM5425 (E and R) adopted. Wesely pending amendment #2683 p. 2148 withdrawn. Advanced for Engrossment	2263
Apr.	3	58	Correctly Engrossed	2280
Apr.	3	58	ER0258 change	2281
Apr.	9	60	Final Reading 45-1-3	2408
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 845A. By Beutler

Feb.	23	32	Read first time. Placed on General File	1090
Mar.	27	53	Advanced for Review	1927
Mar.	29	55	Placed on Select File	2065
Apr.	3	58	Advanced for Engrossment	2264
Apr.	3	58	Correctly Engrossed	2280
Apr.	9	60	Final Reading 44-1-4	2409

Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 846. By Judiciary Committee

Jan.	6	3	Read first time	240
Jan.	9	4	Referred to Committee on Judiciary	303
Jan.	12	7	Notice of hearing (1-23)	409
Feb.	3	20	Placed on General File - Com am #1854	756
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 847. By Judiciary Committee

Jan.	6	3	Read first time	241
Jan.	9	4	Referred to Committee on Judiciary	303
Jan.	12	7	Notice of hearing (1-23)	409
Feb.	3	20	Placed on General File - Com am #1855	756
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 848. By Judiciary Committee

Jan.	6	3	Read first time	241
Jan.	9	4	Referred to Committee on Judiciary	303
Jan.	12	7	Notice of hearing (1-31)	410
Feb.	2	19	Placed on General File - Com am #1825	725
Mar.	2	38	Committee amendment #1825 adopted. Advanced for Review	1264
Mar.	6	40	Placed on Select File - AM5340	1380
Apr.	3	58	AM5340 (E and R) adopted. Advanced for Engrossment	2267
Apr.	3	58	Correctly Engrossed	2280
Apr.	3	58	Returned to Select File for Beutler amendment. Beutler amendment #2394 adopted. Advanced for Re-Engrossment	2283
Apr.	3	58	Correctly Re-Engrossed	2288
Apr.	3	58	ER0265 change	2289
Apr.	9	60	Final Reading w/E 49-0-0	2411
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 848A. By Beutler

Feb.	14	27	Read first time. Placed on General File	943
Mar.	2	38	Advanced for Review	1264

Mar.	6	40	Placed on Select File	1380
Apr.	3	58	Advanced for Engrossment	2267
Apr.	3	58	Correctly Engrossed	2280
Apr.	9	60	Final Reading w/E 49-0-0	2412
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 849. By Judiciary Committee

Jan.	6	3	Read first time	241
Jan.	9	4	Referred to Committee on Judiciary	303
Jan.	12	7	Notice of hearing (1-31)	410
Feb.	21	30	Placed on General File - Com am #2059	1037
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 850. By Withem

Jan.	6	3	Read first time	241
Jan.	9	4	Referred to Committee on Education	303
Jan.	26	16	Notice of hearing (2-21)	612
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 851. By Business and Labor Committee

Jan.	6	3	Read first time	250
Jan.	9	4	Referred to Committee on Business and Labor	303
Jan.	9	4	Notice of hearing (1-18)	314
Jan.	20	12	Placed on General File - Com am #1714	505
Jan.	23	13	Committee amendment #1714 adopted. Advanced for Review	538
Jan.	26	16	Barrett amendment #1772 printed	595
Jan.	26	16	Placed on Select File - AM5223	618
Feb.	2	19	AM5223 (E and R) adopted. Barrett pending amendment #1772 p. 595 adopted. Advanced for Engrossment	731
Feb.	3	20	Correctly Engrossed	761
Feb.	9	24	Final Reading 34-0-15	850
Feb.	9	24	President signed	855
Feb.	9	24	Haberman explanation of vote	859
Feb.	10	25	Presented to Governor. V. Johnson explanation of vote	864
Feb.	13	26	Approved by Governor (2-10)	888

LEGISLATIVE BILL 852. By Hefner

Jan. 6	3	Read first time	250
Jan. 9	4	Referred to Committee on Public Works	303
Jan. 12	7	R. Peterson name added	389
Jan. 24	14	Notice of hearing (2-8)	560
Feb. 16	29	Hefner priority bill	1002
Mar. 1	37	Placed on General File	1215
Mar. 22	50	Beyer amendment #2523 printed	1788
Mar. 26	52	Schmit-Hefner amendment pending	1861
Mar. 26	52	Schmit-Hefner-R. Peterson amendment printed	1874
Mar. 27	53	Schmit-Hefner pending amendment p. 1861 withdrawn. Schmit-Hefner-R. Peterson amendment p. 1874 pending.	1911
Mar. 27	53	Schmit-Hefner-R. Peterson pending amendment p. 1874 and Carsten amendment adopted. Beyer pending amendment #2523 p. 1788 withdrawn. Advanced for Review	1915
Mar. 27	53	Vickers-Hoagland amendment printed	1940
Mar. 29	55	Placed on Select File - AM5424	2030
Apr. 3	58	AM5424 (E and R) adopted. Beyer name added to pending Vickers-Hoagland amendment. Vickers et al amendment lost as amended by Wagner amendment. Advanced for Engrossment	2235
Apr. 3	58	Correctly Engrossed	2263
Apr. 9	60	Final Reading 40-5-4	2413
Apr. 9	60	Speaker signed	2431
Apr. 9	60	Presented to Governor	2444
Apr. 18	AJ	Returned by Governor without approval	2490

LEGISLATIVE BILL 853. By Schmit

Jan. 6	3	Read first time	250
Jan. 9	4	Referred to Committee on Public Works	303
Jan. 16	8	Notice of hearing (1-26)	413
Jan. 31	17	Placed on General File	633
Feb. 10	25	Advanced for Review	870
Feb. 14	27	Placed on Select File	930
Feb. 24	33	Advanced for Engrossment	1125
Mar. 2	38	Correctly Engrossed	1274
Mar. 7	41	Final Reading 44-0-5	1417
Mar. 7	41	President signed	1424
Mar. 8	42	Presented to Governor	1430
Mar. 12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 854. By Hoagland

Jan.	6	3	Read first time	250
Jan.	9	4	Referred to Committee on Judiciary	303
Jan.	9	4	Notice of hearing (1-17)	305
Feb.	2	19	Placed on General File	725
Mar.	6	40	McDonald name added	1368
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 855. By Pappas

Jan.	6	3	Read first time	250
Jan.	9	4	Referred to Committee on Nebraska Retirement Systems	303
Jan.	16	8	Notice of hearing (1-26)	424
Feb.	16	29	Indefinitely postponed	991

LEGISLATIVE BILL 856. By Beutler

Jan.	6	3	Read first time	250
Jan.	9	4	Referred to Committee on Judiciary	303
Jan.	12	7	Notice of hearing (1-25)	409
Feb.	2	19	Placed on General File	725
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 857. By Newell

Jan.	6	3	Read first time	250
Jan.	9	4	Referred to Committee on Education	303
Jan.	17	9	Notice of hearing (1-24)	452
Feb.	7	22	Placed on General File	824
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 858. By Newell

Jan.	6	3	Read first time	251
Jan.	9	4	Referred to Committee on Education	303
Jan.	17	9	Notice of hearing (1-24)	452
Feb.	2	19	Placed on General File	716
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 859. By Newell

Jan.	6	3	Read first time	251
Jan.	9	4	Referred to Comittee on Revenue	303
Jan.	24	14	Notice of hearing (2-21)	567

Mar. 6	40	Indefinitely postponed	1382

LEGISLATIVE BILL 860. By Hoagland

Jan. 6	3	Read first time	252
Jan. 9	4	Referred to Committee on Public Health and Welfare	303
Jan. 12	7	Notice of hearing (1-24)	389
Feb. 15	28	Indefinitely postponed	980

LEGISLATIVE BILL 861. By Morehead, Wagner, Warner, Kahle, Schmit, Hefner, Marsh, DeCamp, H. Peterson

Jan. 6	3	Read first time	252
Jan. 9	4	Referred to Committee on Public Works	303
Jan. 11	6	Sieck name added	374
Jan. 16	8	Notice of hearing (1-26)	413
Feb. 15	28	Morehead priority bill	957
Feb. 21	30	Placed on General File - Com am #1929	1024
Mar. 2	38	Committee amendment #1929 adopted. Advanced for Review	1283
Mar. 13	45	Placed on Select File	1573
Mar. 15	47	Advanced for Engrossment	1640
Mar. 23	51	Correctly Engrossed. ER0212 change	1821
Apr. 5	59	Final Reading 45-0-4	2313
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 862. By Lundy

Jan. 6	3	Read first time	252
Jan. 9	4	Referred to Committee on Revenue	303
Jan. 12	7	Abboud name added	410
Jan. 16	8	Notice of hearing (1-23)	416
Jan. 31	17	Placed on General File	650
Feb. 10	25	Advanced for Review	871
Feb. 14	27	Placed on Select File	932
Feb. 24	33	Advanced for Engrossment	1125
Feb. 24	33	Wesely amendment #2019 printed	1131
Mar. 2	38	Correctly Engrossed	1274
Mar. 7	41	Wesely pending amendment #2019 withdrawn. Final Reading 42-0-7	1418
Mar. 7	41	President signed	1424
Mar. 8	42	Presented to Governor	1430
Mar. 12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 863. By Warner

Jan.	6	3	Read first time	252
Jan.	9	4	Referred to Committee on Miscellaneous Subjects	303
Jan.	12	7	Notice of hearing (1-20)	398
Feb.	27	34	Placed on General File	1151
Mar.	2	38	Warner amendment #2202 adopted	1258
Mar.	2	38	Advanced for Review	1260
Mar.	6	40	Placed on Select File - AM5330	1360
Mar.	9	43	AM5330 (E and R) adopted. Advanced for Engrossment	1484
Mar.	20	48	Correctly Engrossed	1695
Mar.	29	55	Final Reading w/E 47-0-2	2078
Mar.	29	55	Speaker signed	2087
Mar.	30	56	Presented to Governor	2093
Apr.	3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 864. By DeCamp

Jan.	6	3	Read first time	252
Jan.	9	4	Referred to the Committee on Public Works	303
Jan.	24	14	Notice of hearing (2-10)	560
Feb.	28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 865. By R. Johnson

Jan.	6	3	Read first time	252
Jan.	9	4	Referred to Committee on Judiciary	303
Jan.	12	7	Notice of hearing (1-25)	409
Feb.	21	30	Placed on General File - Com am #1864	1038
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 866. By Eret, Clark

Jan.	6	3	Read first time	253
Jan.	10	5	Referred to Committee on Public Works	348
Jan.	17	9	Haberman name added	436
Jan.	24	14	Notice of hearing (2-3)	557
Mar.	6	40	Placed on General File - Com am #2102	1367
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 867. By Morehead, Vickers, Warner, Kilgarin, Pappas, R. Johnson

Jan.	6	3	Read first time	276

Jan.	10	5	Referred to Committee on Appropriations	348
Feb.	1	18	Notice of hearing (2-13)	698
Mar.	6	40	Placed on General File - Com am #2304	1382
Mar.	9	43	Warner amendment #2390 to committee amendment printed	1508
Mar.	13	45	Committee amendment #2304 adopted. Warner pending amendment #2390 adopted. Newell amendment lost.	1563
Mar.	13	45	Advanced for Review	1574
Mar.	13	45	Haberman name added	1582
Mar.	14	46	Correction	1605
Mar.	15	47	Placed on Select File - AM5380	1654
Mar.	21	49	AM5380 (E and R) adopted. Advanced for Engrossment	1732
Mar.	21	49	Correctly Engrossed	1761
Mar.	27	53	Final Reading 44-0-5	1902
Mar.	27	53	Speaker signed	1911
Mar.	27	53	Presented to Governor	1916
Mar.	27	53	Approved by Governor (3-27)	1937

LEGISLATIVE BILL 868. By Banking, Commerce and Insurance Committee

Jan.	6	3	Read first time	276
Jan.	10	5	Referred to Committee on Banking, Commerce and Insurance	348
Jan.	16	8	Notice of hearing (1-23)	412
Feb.	13	26	Indefinitely postponed	895

LEGISLATIVE BILL 869. By Speaker Nichol at request of Governor

Jan.	6	3	Read first time	276
Jan.	6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan.	10	5	Referred to Committee on Revenue	348
Jan.	24	14	Notice of hearing (2-28)	568
Mar.	5	39	Indefinitely postponed	1293

LEGISLATIVE BILL 870. By Speaker Nichol at request of Governor

Jan.	6	3	Read first time	276
Jan.	6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan.	10	5	Referred to Committee on Revenue	348
Jan.	24	14	Notice of hearing (2-6)	567
Jan.	25	15	Withem name added	579

Feb.	1	18	Morehead name added	671
Feb.	10	25	Placed on General File	863
Feb.	15	28	Failed to advance for Review	962
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 870A. By Morehead, Withem

Feb.	24	33	Read first time. Placed on General File	1113
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 871. By Speaker Nichol at request of Governor

Jan.	6	3	Read first time	277
Jan.	6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan.	10	5	Referred to Committee on Agriculture and Environment	348
Jan.	19	11	Notice of hearing (1-26)	483
Jan.	31	17	Indefinitely postponed	630

LEGISLATIVE BILL 872. By Speaker Nichol at request of Governor

Jan.	6	3	Read first time	277
Jan.	6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan.	10	5	Referred to Committee on Education	348
Jan.	26	16	Notice of hearing (2-27)	612
Mar.	2	38	Indefinitely postponed	1260

LEGISLATIVE BILL 873. By Speaker Nichol at request of Governor

Jan.	6	3	Read first time	277
Jan.	6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan.	10	5	Referred to Committee on Public Works	348
Jan.	24	14	Notice of hearing (2-10)	560
Mar.	12	44	Message from Governor	1530
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 874. By Speaker Nichol at request of Governor

Jan.	6	3	Read first time	277
Jan.	6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan.	10	5	Referred to Committee on Appropriations	348
Jan.	26	16	Notice of hearing (2-3)	622

Feb. 29	36	Indefinitely postponed	1194

LEGISLATIVE BILL 875. By Speaker Nichol at request of Governor

Jan. 6	3	Read first time	277
Jan. 6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan. 10	5	Referred to Committee on Appropriations	348
Jan. 26	16	Notice of hearing (2-3)	622
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 876. By Speaker Nichol at request of Governor

Jan. 6	3	Read first time	278
Jan. 6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan. 10	5	Referred to Committee on Revenue	348
Jan. 16	8	Notice of hearing (1-23)	416
Jan. 31	17	Indefinitely postponed	651

LEGISLATIVE BILL 877. By Speaker Nichol at request of Governor

Jan. 6	3	Read first time	278
Jan. 6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan. 10	5	Referred to Committee on Public Health and Welfare	348
Feb. 2	19	Notice of hearing (2-21)	729
Feb. 22	31	Indefinitely postponed	1069

LEGISLATIVE BILL 878. By Speaker Nichol at request of Governor

Jan. 6	3	Read first time	278
Jan. 6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan. 10	5	Referred to Committee on Appropriations	348
Feb. 1	18	Notice of hearing (2-17)	699
Feb. 28	35	Indefinitely postponed	1171

LEGISLATIVE BILL 879. By Speaker Nichol at request of Governor

Jan. 6	3	Read first time	278
Jan. 6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan. 10	5	Referred to Committee on Revenue	348
Jan. 16	8	Notice of hearing (1-23)	417

Jan. 31	17	Indefinitely postponed	651

LEGISLATIVE BILL 880. By Speaker Nichol at request of Governor

Jan. 6	3	Read first time	278
Jan. 6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan. 10	5	Referred to Committee on Appropriations	348
Jan. 26	16	Notice of hearing (2-7)	623
Feb. 16	29	Appropriations Committee priority bill	1003
Mar. 13	45	Placed on General File - Com am #2438	1591
Mar. 14	46	Committee amendment #2438 adopted. Advanced for Review	1611
Mar. 20	48	Placed on Select File - AM5392	1701
Mar. 20	48	Wesely amendment #2550 to committee amendment printed	1714
Mar. 21	49	AM5392 (E and R) adopted. Wesely pending amendment #2550 p. 1714 lost. Wesely amendment #2551 to committee amendment lost. Advanced for Engrossment	1762
Mar. 22	50	Correctly Engrossed	1798
Mar. 27	53	Final Reading w/E 38-7-4	1903
Mar. 27	53	Speaker signed	1911
Mar. 27	53	Presented to Governor	1916
Mar. 27	53	Returned by Governor without approval	1932
Mar. 28	54	Appropriations Committee motion to override veto laid over	1995
Apr. 2	57	Appropriations Committee pending motion to override veto prevailed 30-16-3	2167
Apr. 2	57	Communication	2185
Apr. 2	57	Certificate	2186
Apr. 3	58	Message from Secretary of State	2240
Apr. 3	58	Certificate	2241

LEGISLATIVE BILL 880A. By Warner

Mar. 13	45	Read first time. Placed on General File	1593
Mar. 14	46	Advanced for Review	1612
Mar. 20	48	Placed on Select File - AM5395	1701
Mar. 21	49	AM5395 (E and R) adopted. Advanced for Engrossment	1764
Mar. 22	50	Correctly Engrossed	1798
Mar. 27	53	Final Reading w/E 39-6-4	1904
Mar. 27	53	Speaker signed	1911
Mar. 27	53	Presented to Governor	1916
Mar. 27	53	Approved by Governor (3-27) with	

			Line-item veto	1933
Mar.	28	54	Appropriations Committee report	1991
Mar.	28	54	Warner motion to override line-item veto laid over	1995
Apr.	2	57	Warner pending motion to override line-item veto prevailed 30-16-3	2168
Apr.	2	57	Communication	2186
Apr.	2	57	Certificate	2187
Apr.	3	58	Message from Secretary of State	2261
Apr.	3	58	Certificate	2262

LEGISLATIVE BILL 881. By Speaker Nichol at request of Governor

Jan.	6	3	Read first time	279
Jan.	6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan.	10	5	Referred to Committee on Revenue	348
Jan.	12	7	Rereferred to Committee on Education	396
Jan.	16	8	Correction	412
Jan.	17	9	Notice of hearing (1-31)	453
Feb.	2	19	Placed on General File	716
Feb.	10	25	Advanced for Review	871
Feb.	14	27	Placed on Select File - AM5262	932
Feb.	24	33	AM5262 (E and R) adopted. Advanced for Engrossment	1125
Mar.	2	38	Correctly Engrossed	1274
Mar.	6	40	Nichol amendment printed	1362
Mar.	7	41	Returned to Select File for Nichol amendment. Nichol pending amendment p. 1362 adopted. Advanced for Re-Engrossment	1419
Mar.	20	48	Correctly Re-Engrossed	1678
Mar.	20	48	ER0193 change	1679
Mar.	29	55	Final Reading 43-5-1	2079
Mar.	29	55	Speaker signed	2087
Mar.	30	56	Presented to Governor	2093
Apr.	3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 882. By Speaker Nichol at request of Governor

Jan.	6	3	Read first time	279
Jan.	6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan.	10	5	Referred to Committee on Appropriations	348
Jan.	10	5	DeCamp pending motion to rerefer to General File laid over	352

Jan. 11	6	Correction	353
Jan. 12	7	DeCamp pending motion to rerefer withdrawn	388
Jan. 25	15	Notice of hearing (2-1)	579
Mar. 6	40	Placed on General File - Com am #2305	1383
Mar. 12	44	Committee amendment #2305 adopted. Advanced for Review	1529
Mar. 14	46	Placed on Select File	1622
Mar. 21	49	Advanced for Engrossment	1720
Mar. 21	49	Correctly Engrossed	1761
Mar. 27	53	Final Reading w/E 46-0-3	1904
Mar. 27	53	Speaker signed	1911
Mar. 27	53	Presented to Governor	1916
Mar. 27	53	Approved by Governor (3-27)	1937

LEGISLATIVE BILL 883. By Speaker Nichol at request of Governor

Jan. 6	3	Read first time	279
Jan. 6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan. 10	5	Referred to Committee on Appropriations	348
Jan. 10	5	DeCamp pending motion to rerefer to General File laid over	352
Jan. 11	6	Correction	353
Jan. 12	7	DeCamp pending motion to rerefer withdrawn	388
Jan. 25	15	Notice of hearing (2-1)	579
Feb. 29	36	Placed on General File	1194
Mar. 2	38	Advanced for Review	1262
Mar. 6	40	Placed on Select File	1361
Mar. 9	43	Advanced for Engrossment	1485
Mar. 20	48	Correctly Engrossed	1695
Mar. 27	53	Final Reading w/E 44-0-5	1905
Mar. 27	53	Speaker signed	1911
Mar. 27	53	Presented to Governor	1916
Mar. 27	53	Approved by Governor (3-27)	1937

LEGISLATIVE BILL 884. By Speaker Nichol at request of Governor

Jan. 6	3	Read first time	279
Jan. 6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan. 10	5	Referred to Committee on Appropriations	348
Jan. 10	5	DeCamp pending motion to rerefer to General File laid over	352
Jan. 11	6	Correction	353
Jan. 12	7	DeCamp pending motion to rerefer withdrawn	388

Jan.	25	15	Notice of hearing (2-1)	579
Mar.	6	40	Placed on General File - Com am #2258	1382
Mar.	12	44	Committee amendment #2258 adopted. Schmit amendment #2266 adopted. V. Johnson amendment lost. Advanced for Review	1517
Mar.	14	46	Placed on Select File - AM5378	1622
Mar.	21	49	AM5378 (E and R) adopted. Advanced for Engrossment	1719
Mar.	21	49	Correctly Engrossed	1761
Mar.	27	53	Pirsch motion to return to Select File withdrawn. Final Reading w/E 41-4-4	1906
Mar.	27	53	Speaker signed	1911
Mar.	27	53	Presented to Governor	1916
Mar.	27	53	Approved by Governor (3-27)	1937

LEGISLATIVE BILL 885. By Speaker Nichol at request of Governor

Jan.	6	3	Read first time	279
Jan.	6	3	DeCamp motion to suspend rules and place on General File pending	283
Jan.	10	5	Referred to Committee on Appropriations	348
Jan.	10	5	DeCamp pending motion to rerefer to General File laid over	352
Jan.	11	6	Correction	353
Jan.	12	7	DeCamp pending motion to rerefer withdrawn	388
Jan.	25	15	Notice of hearing (2-1)	579
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 886. By Kahle

Jan.	6	3	Read first time	280
Jan.	10	5	Referred to Committee on Public Health and Welfare	348
Feb.	2	19	Notice of hearing (2-13)	729
Feb.	16	29	Kahle priority bill	1002
Feb.	27	34	Placed on General File - Com am #2104	1151
Mar.	5	39	Kahle amendment #2237 to committee amendment printed	1318
Mar.	6	40	Kahle amendment #2320 to committee amendment printed	1385
Mar.	7	41	Kahle pending amendment #2237 p. 1318 to committee amendment adopted. Kahle pending amendment #2320 p. 1385 withdrawn	1390
Mar.	7	41	V. Johnson amendment to committee	

		amendment pending	1391
Mar. 7	41	V. Johnson pending amendment p. 1391 withdrawn. Committee amendment #2104 adopted as amended. V. Johnson amendment #2319 adopted. Advanced for Review	1400
Mar. 20	48	Placed on Select File - AM5387	1670
Mar. 28	54	AM5387 (E and R) adopted. V. Johnson amendment #2657 (1) adopted and (2) pending	1967
Mar. 28	54	V. Johnson pending amendment #2657 (2) lost. Kahle amendment adopted. Advanced for Engrossment	1974
Apr. 2	57	Correctly Engrossed	2170
Apr. 2	57	ER0228 change	2172
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading w/E 39-7-3	2371
Apr. 5	59	Speaker signed	2385
Apr. 9	60	Presented to Governor	2388
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 887. By DeCamp

Jan. 6	3	Read first time	280
Jan. 10	5	Referred to Committee on Special Commonwealth	348
Feb. 27	34	DeCamp motion to withdraw laid over	1143
Feb. 28	35	DeCamp pending motion prevailed. Withdrawn	1162

LEGISLATIVE BILL 888. By Sieck, Hefner

Jan. 6	3	Read first time	281
Jan. 10	5	Referred to Committee on Revenue	348
Jan. 24	14	Notice of hearing (2-21)	567
Feb. 16	29	Sieck priority bill	1003
Mar. 5	39	Indefinitely postponed	1293

LEGISLATIVE BILL 889. By Nichol, Vickers, Pappas, H. Peterson

Jan. 9	4	Read first time	286
Jan. 10	5	Referred to Committee on Revenue	348
Jan. 12	7	Rereferred to Committee on Education	396
Jan. 17	9	Notice of hearing (1-31)	453
Feb. 21	30	Placed on General File	1030
Feb. 21	30	Nichol priority bill	1036
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 890. By Vickers, Nichol, Sieck, Clark, Chronister, Eret, Pappas, Warner, H. Peterson, Hefner

Jan.	9	4	Read first time	286
Jan.	10	5	Referred to Committee on Education	348
Jan.	17	9	Notice of hearing (1-31)	453
Feb.	2	19	Placed on General File	716
Feb.	21	30	Nichol priority bill	1036
Mar.	20	48	Advanced for Review	1712
Mar.	26	52	Placed on Select File - AM5410	1883
Mar.	28	54	AM5410 (E and R) adopted. Advanced for Engrossment	2002
Mar.	30	56	Correctly Engrossed	2162
Apr.	5	59	Final Reading 46-0-3	2335
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 891. By Revenue Committee

Jan.	9	4	Read first time	286
Jan.	10	5	Referred to Committee on Revenue	348
Jan.	24	14	Notice of hearing (2-6)	567
Feb.	10	25	Placed on General File - Com am #1944	864
Feb.	16	29	Revenue Committee priority bill	1003
Mar.	2	38	Carsten amendment #2252 to committee amendment printed	1283
Mar.	14	46	Kilgarin-Morehead amendment #2156 to committee amendment printed	1616
Mar.	20	48	Committee amendment #1944 adopted as amended by Carsten amendment #2252. Kilgarin-Morehead pending amendment #2156 p. 1616 lost. Advanced for Review	1682
Mar.	20	48	Wesely amendment #2497 printed. DeCamp amendment printed	1692
Mar.	26	52	Placed on Select File - AM5402	1869
Mar.	29	55	AM5402 (E and R) adopted. Wesely pending amendments #2497 p. 1692 and #2566 lost. Wagner amendment adopted. DeCamp pending amendment p. 1692 withdrawn. Kilgarin amendment lost. Advanced for Engrossment	2009
Apr.	2	57	Correctly Engrossed	2170
Apr.	2	57	ER0233 change	2172
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 27-18-4	2372

Apr.	5	59	Speaker signed	2385
Apr.	9	60	Presented to Governor	2388
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 892. By Revenue Committee

Jan.	9	4	Read first time	287
Jan.	10	5	Referred to Committee on Revenue	348
Jan.	24	14	Notice of hearing (2-28)	568
Mar.	9	43	Placed on General File - Com am #2380	1506
Mar.	26	52	Haberman-DeCamp amendment withdrawn. Committee amendment #2380 adopted. Advanced for Review	1851
Mar.	26	52	Newell amendment #2598 printed	1885
Mar.	28	54	Placed on Select File	1983
Apr.	2	57	Carsten amendment #2650 printed	2199
Apr.	2	57	DeCamp amendment #2332 printed	2207
Apr.	3	58	Carsten pending amendment #2650 adopted. DeCamp pending amendment #2332 and Pappas amendment lost. Vickers amendment #2710 and Newell pending amendment #2598 p. 1885 withdrawn. Newell amendment withdrawn. R. Johnson-Lundy amendment lost. Hoagland motion to suspend rules prevailed. Advanced for Engrossment	2223
Apr.	3	58	Correctly Engrossed. ER0251 change	2263
Apr.	5	59	DeCamp motion to return to Select File laid over	2323
Apr.	9	60	Correction	2387
Apr.	9	60	Final Reading 47-1-1	2414
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Approved by Governor (4-9)	2443
Apr.	9	60	Presented to Governor	2444

LEGISLATIVE BILL 893. By V. Johnson

Jan.	9	4	Read first time	287
Jan.	10	5	Referred to Committee on Nebraska Retirement Systems	348
Jan.	16	8	Notice of hearing (2-1)	424
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 894. By Kilgarin

Jan. 9	4	Read first time	287
Jan. 10	5	Referred to Committee on Banking, Commerce and Insurance	348
Jan. 10	5	Notice of hearing (1-17)	350
Feb. 13	26	Indefinitely postponed	895

LEGISLATIVE BILL 895. By Beutler

Jan. 9	4	Read first time	287
Jan. 10	5	Referred to Committee on Judiciary	348
Jan. 12	7	Notice of hearing (1-23)	409
Feb. 6	21	Haberman name added	776
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 896. By Marsh

Jan. 9	4	Read first time	298
Jan. 10	5	Referred to Committee on Urban Affairs	349
Jan. 10	5	Notice of hearing (1-18)	352
Jan. 19	11	Placed on General File	494
Jan. 20	12	Advanced for Review	515
Jan. 26	16	Placed on Select File - AM5218	590
Feb. 1	18	AM5218 (E and R) adopted. Advanced for Engrossment	703
Feb. 2	19	Correctly Engrossed	728
Feb. 7	22	Final Reading 44-0-5	823
Feb. 7	22	President signed	827
Feb. 8	23	Presented to Governor	830
Feb. 13	26	Approved by Governor (2-10)	887

LEGISLATIVE BILL 897. By Wagner

Jan. 9	4	Read first time	298
Jan. 10	5	Referred to Committee on Public Works	349
Jan. 16	8	Notice of hearing (1-26)	413
Jan. 31	17	Placed on General File	633
Feb. 10	25	Advanced for Review	870
Feb. 14	27	Placed on Select File - AM5258	930
Feb. 24	33	AM5258 (E and R) adopted. Advanced for Engrossment	1125
Mar. 2	38	Correctly Engrossed	1274
Mar. 7	41	Final Reading 42-0-7	1420
Mar. 7	41	President signed	1424
Mar. 8	42	Presented to Governor	1430

Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 898. By Vickers

Jan.	9	4	Read first time	298
Jan.	10	5	Referred to Committee on Public Health and Welfare	349
Feb.	2	19	Notice of hearing (2-21)	729
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 899. By DeCamp

Jan.	9	4	Read first time	298
Jan	10	5	Referred to Committee on Special Commonwealth	349
Jan.	24	14	Notice of hearing (1-31)	566
Jan.	31	17	V. Johnson amendment #1764 printed	652
Feb.	3	20	Placed on General File - Com am #1862	764
Feb.	8	23	Committee amendment #1862 adopted. V. Johnson pending amendment #1764 withdrawn. DeCamp amendment adopted. Advanced for Review	830
Feb.	13	26	Placed on Select File - AM5251	905
Feb.	24	33	AM5251 (E and R) adopted. Advanced for Engrossment	1124
Mar.	2	38	Correctly Engrossed. ER0176 change	1263
Mar.	7	41	Final Reading w/E 42-0-7	1420
Mar.	7	41	President signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 900. By Public Health and Welfare Committee

Jan.	9	4	Read first time	299
Jan.	10	5	Referred to Committee on Public Health and Welfare	349
Jan.	12	7	Notice of hearing (1-24)	389
Feb.	6	21	Placed on General File - Com am #1884	775
Mar.	2	38	Committee amendment #1884 adopted. Advanced for Review	1266
Mar.	8	42	Placed on Select File - AM5348	1440
Mar.	29	55	AM5348 (E and R) adopted. Advanced for Engrossment	2091
Apr.	2	57	Correctly Engrossed	2188
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading w/E 46-0-3	2373

Apr.	5	59	Speaker signed	2385
Apr.	9	60	Presented to Governor	2388
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 901. By Public Health and Welfare Committee

Jan.	9	4	Read first time	299
Jan.	10	5	Referred to Committee on Banking, Commerce and Insurance	349
Jan.	16	8	Notice of hearing (1-24)	412
Feb.	13	26	Indefinitely postponed	895

LEGISLATIVE BILL 902. By Public Health and Welfare Committee

Jan.	9	4	Read first time	299
Jan.	10	5	Referred to Committee on Banking, Commerce and Insurance	349
Jan.	16	8	Notice of hearing (1-23)	412
Feb.	14	27	Placed on General File - Com am #1968	950
Feb.	16	29	Abboud name added	997
Feb.	16	29	Abboud priority bill	1001
Mar.	5	39	Committee amendment #1968 adopted as amended by Wesely amendment #2234. Advanced for Review	1320
Mar.	13	45	Placed on Select File - AM5365	1574
Mar.	27	53	Wesely amendment #2595 printed	1929
Mar.	28	54	AM5365 (E and R) adopted. Wesely pending amendment #2595 adopted. Advanced for Engrossment	1956
Mar.	30	56	Correctly Engrossed. ER0223 change	2139
Apr.	5	59	Final Reading w/E 47-0-2	2336
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 903. By Public Health and Welfare Committee

Jan.	9	4	Read first time	299
Jan.	10	5	Referred to Committee on Public Health and Welfare	349
Jan.	26	16	Notice of hearing (2-6)	621
Feb.	16	29	Wesely priority bill	1003
Feb.	21	30	Placed on General File - Com am #2024	1024
Mar.	5	39	Passed over	1328
Mar.	20	48	Fenger amendment #2544 to committee amendment printed	1712

Mar. 27	53	Committee amendment #2024 adopted as amended by Fenger pending amendment #2544. Failed to advance for Review	1931
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 903A. By Fenger

Mar. 5	39	Read first time. Placed on General File	1302
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 904. By Public Health and Welfare Committee

Jan. 9	4	Read first time	300
Jan. 10	5	Referred to Committee on Public Health and Welfare	349
Jan. 26	16	Notice of hearing (2-7)	622
Feb. 16	29	Eret priority bill	1002
Feb. 21	30	Placed on General File - Com am #2068	1033
Mar. 6	40	Committee amendment #2068 adopted. Advanced for Review	1370
Mar. 15	47	Placed on Select File - AM5377	1654
Mar. 28	54	AM5377 (E and R) adopted. Advanced for Engrossment	1956
Mar. 28	54	Eret name added	1959
Mar. 30	56	Correctly Engrossed	2139
Mar. 30	56	ER0231 change	2140
Apr. 5	59	Final Reading w/E 44-2-3	2337
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 905. By Wesely, Rupp, Schmit, V. Johnson, Newell, McDonald, Warner, Withem, Hoagland

Jan. 9	4	Read first time	300
Jan. 10	5	Referred to Committee on Public Health and Welfare	349
Jan. 26	16	Notice of hearing (2-6)	621
Feb. 15	28	Indefinitely postponed	980

LEGISLATIVE BILL 906. By Wesely, Rupp, Newell, Schmit, V. Johnson, McDonald, Warner, Hoagland, Withem

Jan. 9	4	Read first time	300
Jan. 10	5	Referred to Committee on Public Health and Welfare	349

Jan. 26	16	Notice of hearing (2-6)	621
Feb. 21	30	Placed on General File - Com am #2023	1024
Mar. 2	38	Committee amendment #2023 adopted. Advanced for Review	1283
Mar. 13	45	Placed on Select File - AM5369	1573
Mar. 29	55	H. Peterson amendment #2682 printed	2062
Apr. 3	58	AM5369 (E and R) adopted. H. Peterson pending amendment #2682 withdrawn. Wesely-H. Peterson and Wesely #2723 amendments adopted. Advanced for Engrossment	2285
Apr. 3	58	Correctly Engrossed	2288
Apr. 3	58	ER0265 change	2289
Apr. 9	60	Final Reading 46-1-2	2414
Apr. 9	60	Speaker signed	2431
Apr. 9	60	Presented to Governor	2444
Apr. 18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 906A. By Wesely

Mar. 8	42	Read first time. Placed on General File	1443
Mar. 12	44	Advanced for Review	1543
Mar. 21	49	Placed on Select File	1740
Apr. 3	58	Advanced for Engrossment	2286
Apr. 3	58	Correctly Engrossed	2288
Apr. 3	58	ER0265 change	2289
Apr. 9	60	Final Reading 46-1-2	2415
Apr. 9	60	Speaker signed	2431
Apr. 9	60	Presented to Governor	2444
Apr. 18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 907. By Wesely

Jan. 9	4	Read first time	300
Jan. 10	5	Referred to Committee on Banking, Commerce and Insurance	349
Jan. 16	8	Notice of hearing (1-23)	412
Feb. 13	26	Indefinitely postponed	895

LEGISLATIVE BILL 908. By Goodrich

Jan. 9	4	Read first time	300
Jan. 10	5	Referred to Committee on Education	349
Jan. 12	7	H. Peterson name added	396
Jan. 20	12	V. Johnson, Newell, Higgins, Fenger, Withem, Schmit, Hannibal, Labedz,	

		Kilgarin, Lundy, Hoagland, Pirsch names added	532
Jan. 26	16	Notice of hearing (2-6)	611
Feb. 16	29	Withem priority bill	1003
Feb. 21	30	Placed on General File - Com am #2045	1030
Mar. 5	39	Committee amendment #2045 lost as amended by Wagner-Lamb-R. Johnson amendment. Vickers amendment adopted. Lamb motion to indefinitely postpone withdrawn. Advanced for Review	1328
Mar. 5	39	Vickers amendment printed	1340
Mar. 13	45	Placed on Select File - AM5372	1585
Mar. 21	49	AM5372 (E and R) adopted. Vickers pending amendment p. 1340 withdrawn. Goodrich-Wagner amendment adopted	1735
Mar. 21	49	Advanced for Engrossment	1739
Mar. 21	49	Wagner name added	1740
Mar. 26	52	Correctly Engrossed. ER0213 change	1888
Apr. 5	59	Final Reading 43-2-4	2317
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 18	AJ	Approved by Governor (4-9)	2470

LEGISLATIVE BILL 909. By Vickers, Pappas

Jan. 9	4	Read first time	301
Jan. 10	5	Referred to Committee on Government, Military and Veterans Affairs	349
Jan. 12	7	Notice of hearing (2-3)	391
Feb. 6	21	Placed on General File	792
Feb. 16	29	Vickers priority bill	1003
Mar. 5	39	Haberman motion to indefinitely postpone prevailed	1293

LEGISLATIVE BILL 910. By Withem

Jan. 9	4	Read first time	301
Jan. 10	5	Referred to Committee on Urban Affairs	349
Jan. 18	10	Notice of hearing (1-25)	470
Feb. 3	20	Placed on General File - Com am #1876	756
Mar. 2	38	Committee amendment #1876 adopted. Advanced for Review	1264
Mar. 6	40	Placed on Select File - AM5342	1381
Mar. 9	43	AM5342 (E and R) adopted. Advanced for Engrossment	1485
Mar. 21	49	Correctly Engrossed	1715

Apr.	2	57	Final Reading 43-0-6	2181
Apr.	2	57	Speaker signed	2205
Apr.	2	57	Presented to Governor	2210
Apr.	3	58	Approved by Governor (4-3)	2242

LEGISLATIVE BILL 911. By Urban Affairs Committee

Jan.	9	4	Read first time	301
Jan.	10	5	Referred to Committee on Urban Affairs	349
Jan.	10	5	Notice of hearing (1-18)	352
Jan.	23	13	Placed on General File - Com am #1719	542
Jan.	31	17	Committee amendment #1719 adopted. Advanced for Review	634
Feb.	1	18	Placed on Select File - AM5241	670
Feb.	6	21	AM5241 (E and R) adopted. Advanced for Engrossment	795
Feb.	8	23	Correctly Engrossed	838
Feb.	14	27	Returned to Select File for Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment	942
Feb.	16	29	Correctly Re-Engrossed. ER0166 change	997
Feb.	23	32	Final Reading 45-0-4	1094
Feb.	23	32	President signed	1100
Feb.	23	32	Presented to Governor	1103
Feb.	24	33	Approved by Governor (2-24)	1114

LEGISLATIVE BILL 912. By McDonald

Jan.	9	4	Read first time	301
Jan.	10	5	Referred to Committee on Banking, Commerce and Insurance	349
Jan.	16	8	Notice of hearing (1-23)	412
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 913. By Public Health and Welfare Committee

Jan.	9	4	Read first time	301
Jan.	10	5	Referred to Committee on Public Health and Welfare	349
Feb.	2	19	Notice of hearing (2-13)	729
Feb.	21	30	Nichol priority bill	1036
Feb.	27	34	Placed on General File - Com am #2105	1151
Mar.	26	52	Committee amendment #2105 lost. Advanced for Review	1872
Mar.	27	53	Fenger amendment #2629 printed	1919
Mar.	28	54	Placed on Select File - AM5419	1991

Apr.	3	58	AM5419 (E and R) adopted. Fenger pending amendment #2629 p. 1919 adopted. Wesely amendment lost. Advanced for Engrossment	2264
Apr.	3	58	Correctly Engrossed	2280
Apr.	3	58	ER0257 change	2281
Apr.	9	60	Final Reading w/E 48-0-1	2416
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Returned by Governor without approval	2488

LEGISLATIVE BILL 914. By Vickers, Labedz

Jan.	9	4	Read first time	302
Jan.	10	5	Referred to Committee on Education	349
Jan.	26	16	Notice of hearing (2-27)	612
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 915. By Hefner

Jan.	9	4	Read first time	305
Jan.	11	6	Referred to Committee on Miscellaneous Subjects	358
Jan.	24	14	Notice of hearing (2-10)	560
Feb.	14	27	Placed on General File	932
Feb.	16	29	Rupp priority bill	1003
Feb.	27	34	DeCamp amendment #1906 printed	1146
Feb.	29	36	Pappas amendment printed	1188
Mar.	2	38	DeCamp amendment printed	1270
Mar.	5	39	Pending	1301
Mar.	5	39	DeCamp pending amendment #1906 p. 1146 lost	1309
Mar.	5	39	Pappas pending amendment p. 1188 lost. DeCamp pending amendment p. 1270 withdrawn. Higgins motion to indefinitely postpone withdrawn. Advanced for Review	1318
Mar.	9	43	Higgins amendment printed	1489
Mar.	13	45	Placed on Select File - AM5366	1574
Mar.	15	47	AM5366 (E and R) adopted. Higgins pending amendment p. 1489 withdrawn. Higgins amendment lost. Advanced for Engrossment	1641
Mar.	22	50	Higgins amendment printed	1797
Mar.	23	51	Correctly Engrossed	1821
Apr.	3	58	Returned to Select File for Higgins amendment. Higgins pending amendment	

			p. 1797 adopted. Advanced for Re-Engrossment	2249
Apr.	3	58	Correctly Re-Engrossed	2271
Apr.	3	58	ER0253 change	2272
Apr.	9	60	Final Reading w/E 40-7-2	2417
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-13)	2492

LEGISLATIVE BILL 916. By Landis

Jan.	9	4	Read first time	315
Jan.	11	6	Referred to Committee on Judiciary	358
Jan.	12	7	Notice of hearing (1-25)	409
Feb.	16	29	Landis priority bill	1002
Feb.	22	31	Placed on General File - Com am #2054	1066
Feb.	27	34	Lamb amendment #2111 printed	1149
Mar.	6	40	Committee amendment #2054 adopted as amended by Lamb amendment #2309. Landis amendment #2294 adopted. Lamb pending amendment #2111 p. 1149 withdrawn. Jacobson amendment #2070 lost. Advanced for Review	1371
Mar.	15	47	Placed on Select File - AM5381	1655
Mar.	28	54	AM5381 (E and R) adopted. Advanced for Engrossment	1956
Mar.	30	56	Correctly Engrossed	2139
Mar.	30	56	ER0221 change	2140
Apr.	5	59	Final Reading 44-2-3	2337
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 917. By Warner

Jan.	9	4	Read first time	315
Jan.	11	6	Referred to Committee on Business and Labor	358
Jan.	19	11	Notice of hearing (2-8)	486
Feb.	21	30	Attorney General's Opinion to Kilgarin	1007
Feb.	21	30	Indefinitely postponed	1037

LEGISLATIVE BILL 918. By Pappas

Jan.	9	4	Read first time	315
Jan.	11	6	Referred to Committee on Revenue	358
Feb.	2	19	Pappas motion to withdraw laid over	732

Feb.	3	20	Pappas pending motion prevailed. Withdrawn	742

LEGISLATIVE BILL 919. By Morehead

Jan.	9	4	Read first time	315
Jan.	11	6	Referred to Committee on Banking, Commerce and Insurance	358
Jan.	16	8	Notice of hearing (1-24)	412
Feb.	13	26	Placed on General File	894
Feb.	15	28	Advanced for Review	963
Feb.	21	30	Placed on Select File - AM5281	1007
Feb.	24	33	AM5281 (E and R) adopted. Advanced for Engrossment	1127
Mar.	5	39	Correctly Engrossed	1286
Mar.	9	43	Final Reading 46-0-3	1471
Mar.	9	43	Speaker signed	1478
Mar.	9	43	Presented to Governor	1490
Mar.	15	47	Approved by Governor (3-15)	1651

LEGISLATIVE BILL 920. By Morehead

Jan.	9	4	Read first time	315
Jan.	11	6	Referred to Committee on Government, Military and Veterans Affairs	358
Jan.	12	7	Notice of hearing (2-3)	391
Feb.	15	28	Placed on General File - Com amendments #1970 (1) and #1969 (2)	959
Mar.	2	38	Committee amendments #1970 (1) and #1969 (2) adopted. Advanced for Review	1277
Mar.	7	41	Morehead-Higgins amendment #2339 printed	1428
Mar.	12	44	Placed on Select File - AM5370	1536
Apr.	3	58	Morehead-Higgins pending amendment #2339 p. 1428 withdrawn. AM5370 (E and R) adopted. Advanced for Engrossment	2267
Apr.	3	58	Correctly Engrossed	2280
Apr.	5	59	Correction	2291
Apr.	9	60	Final Reading 44-3-2	2417
Apr.	9	60	Higgins explanation of vote	2420
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Higgins explanation of vote	2433
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 921. By Newell, Withem, V. Johnson, Hannibal, Kilgarin

Jan. 9	4	Read first time	315
Jan. 11	6	Referred to Committee on Government, Military and Veterans Affairs	358
Jan. 12	7	Notice of hearing (2-10)	391
Feb. 3	20	Newell motion to suspend rules prevailed. Newell motion to withdraw prevailed. Withdrawn	755
Feb. 3	20	Notice of hearing (cancelled)	762

LEGISLATIVE BILL 922. By Newell

Jan. 9	4	Read first time	316
Jan. 11	6	Referred to Committee on Education	358
Jan. 17	9	Notice of hearing (1-31)	453
Feb. 2	19	Attorney General's Opinion to Newell	708
Feb. 7	22	Placed on General File - Com am #1767	824
Feb. 8	23	Lamb name added	830
Mar. 8	42	Morehead amendment #2368 printed	1460
Mar. 21	49	Haberman amendment #2512 printed	1724
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 923. By L. Johnson

Jan. 9	4	Read first time	316
Jan. 11	6	Referred to Committee on Banking, Commerce and Insurance	358
Jan. 16	8	Notice of hearing (1-23)	412
Feb. 13	26	Placed on General File	895
Feb. 15	28	Advanced for Review	963
Feb. 21	30	Placed on Select File	1007
Feb. 24	33	Advanced for Engrossment	1127
Mar. 5	39	Correctly Engrossed	1286
Mar. 9	43	Final Reading w/E 46-0-3	1472
Mar. 9	43	Speaker signed	1478
Mar. 9	43	Presented to Governor	1490
Mar. 15	47	Approved by Governor (3-15)	1651

LEGISLATIVE BILL 924. By Education Committee

Jan. 9	4	Read first time	316
Jan. 11	6	Referred to Committee on Education	358
Jan. 26	16	Notice of hearing (2-27)	612
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 925. By Urban Affairs Committee

Jan. 9	4	Read first time	316
Jan. 11	6	Referred to Committee on Urban Affairs	358
Jan. 18	10	Notice of hearing (1-25)	470
Feb. 14	27	Placed on General File - Com am #1964	933
Feb. 16	29	Urban Affairs Committee priority bill	1004
Mar. 2	38	Committee amendment #1964 adopted. Advanced for Review	1276
Mar. 12	44	Placed on Select File - AM5358	1527
Mar. 14	46	Hannibal-Labedz amendment #2451 to committee amendment printed	1630
Mar. 15	47	AM5358 (E and R) adopted. Withem amendment #2486 adopted. Hannibal-Labedz pending amendment #2451 p. 1630 withdrawn. Hannibal-Labedz amendment lost. V. Johnson motion to indefinitely postpone ruled out of order. Point of order. Failed to advance for Engrossment	1644
Mar. 22	50	Hannibal-Withem-Labedz amendment #2532 to committee amendment printed	1783
Mar. 28	54	Withem motion to indefinitely postpone laid over	1998
Apr. 2	57	Landis amendment lost. Hannibal-Withem-Labedz pending amendment #2532 p. 1783 adopted. Newell motion to indefinitely postpone prevailed	2205

LEGISLATIVE BILL 926. By Landis, Beutler, Harris, Wesely, Warner, Marsh

Jan. 9	4	Read first time	317
Jan. 11	6	Referred to Committee on Special Commonwealth	358
Jan. 26	16	Notice of hearing (2-9)	611
Jan. 31	17	Attorney General's Opinion to DeCamp	642
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 927. By Marsh

Jan. 9	4	Read first time	317
Jan. 11	6	Referred to Committee on Agriculture and Environment	358
Jan. 19	11	Notice of hearing (1-26)	483
Feb. 15	28	Placed on General File - Com am #2000	966

Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 928. By Education Committee

Jan.	9	4	Read first time	317
Jan.	11	6	Referred to Committee on Education	358
Jan.	12	7	Notice of hearing (1-23)	410
Jan.	20	12	Vickers amendment #1696 printed	527
Feb.	7	22	Placed on General File - Com am #1885	826
Feb.	8	23	DeCamp amendment #1931 printed	833
Feb.	13	26	Vickers pending amendment #1696 p. 527 withdrawn. DeCamp pending amendment #1931 p. 833 lost	904
Feb.	13	26	Attorney General's Opinion to Vickers	912
Feb.	13	26	Hoagland amendment #1941 printed	917
Feb.	15	28	Hoagland amendment #2022 printed	974
Feb.	21	30	Vickers amendment #2050 to committee amendment printed	1042
Mar.	1	37	Committee amendment #1885 lost. Higgins motion to indefinitely postpone withdrawn. Hoagland pending amendment #1941 p. 917 withdrawn. Hoagland-H. Peterson pending amendment #2022 p. 974 withdrawn. Vickers pending amendment #2050 p. 1042 withdrawn. Hoagland-Vickers-H. Peterson-DeCamp amendment #2240 pending. Beutler amendment to amendment #2240 adopted. Chambers amendments (3) to amendment #2240 lost	1252
Mar.	2	38	Corrections	1256
Mar.	9	43	Beutler-Chambers amendments to amendment #2240 adopted. Beutler-Chambers amendment to #2240 lost	1495
Mar.	9	43	Beutler-Chambers and Beutler amendments to amendment #2240 adopted. Beutler amendment adopted. Hoagland-DeCamp amendment to amendment #2240, (1) adopted, (2) ruled out of order. Vickers et al pending amendment #2240 p. 1252 lost as amended. Vickers amendment #2383 pending. Scofield-Kilgarin and Beutler amendments to amendment #2383 adopted	1501
Mar.	9	43	Vickers pending amendment #2383 adopted as amended. Advanced for Review	1513

Mar. 12	44	Correction	1516
Mar. 12	44	Beutler amendments printed	1548
Mar. 14	46	Vickers amendments #2478 and #2479 to pending amendment #2383 printed	1621
Mar. 20	48	Placed on Select File - AM5391	1676
Mar. 20	48	DeCamp-H. Peterson amendment #2528 to amendment #2383 printed	1701
Mar. 20	48	Vickers amendment #2526 to amendment #2383 printed	1713
Mar. 23	51	AM5391 (E and R) adopted. Beutler pending amendments pp. 1548 and 1549, Nichol amendment, Vickers pending amendments #2478 p. 1621 and #2479 p. 1622 withdrawn. DeCamp-H. Peterson pending amendment #2528 p. 1701, Beutler amendment, and Hoagland-V. Johnson amendment lost. Vickers pending amendment #2526 p. 1713 and Beutler amendments adopted. Newell-Beutler amendment (1) lost and (2) adopted	1815
Mar. 23	51	Vickers motion to reconsider action of Hoagland-V. Johnson amendment prevailed. Hoagland-V. Johnson amendment adopted. Chambers motion to indefinitely postpone lost. Vickers motion to suspend rules prevailed. Advanced for Engrossment	1825
Mar. 23	51	Hoagland-V. Johnson-Newell-Wesely-McDonald-Beutler-Withem-DeCamp-Marsh-Morehead amendment printed	1839
Mar. 26	52	H. Peterson and DeCamp names added	1862
Mar. 27	53	Hoagland-Wesely-DeCamp amendment #2623 printed	1912
Mar. 28	54	Correctly Engrossed. ER0216 change	1989
Apr. 3	58	Hoagland et al pending amendment p. 1839 withdrawn. Wesely motion to return to Select File lost	2253
Apr. 5	59	Final Reading 28-16-5	2321
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 929. By Schmit, DeCamp

Jan. 9	4	Read first time	321
Jan. 11	6	Referred to Committee on Judiciary	358

Jan.	31	17	Notice of hearing (2-27)	637
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 930. By Education Committee

Jan.	9	4	Read first time	321
Jan.	11	6	Referred to Committee on Education	358
Jan.	26	16	Notice of hearing (2-13)	612
Feb.	21	30	Nichol priority bill	1036
Feb.	22	31	Placed on General File - Com am #2051	1072
Mar.	6	40	DeCamp amendment #1977 printed	1374
Mar.	23	51	Lamb amendment #2267 printed	1838
Mar.	26	52	Vickers amendment #2607 to committee amendment printed	1875
Mar.	26	52	Committee amendment #2051 lost as amended by Vickers amendment #2607 p. 1875. Scofield amendment adopted. Advanced for Review	1897
Mar.	29	55	Placed on Select File - AM5422	2007
Apr.	3	58	AM5422 (E and R) adopted. DeCamp pending amendment #1977 p. 1374 lost. Lamb pending amendment #2267 p. 1838 withdrawn. Advanced for Engrossment	2264
Apr.	3	58	Correctly Engrossed	2280
Apr.	3	58	ER0260 change	2281
Apr.	9	60	Final Reading 40-5-4	2423
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Higgins explanation of vote	2433
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 930A. By Vickers

Feb.	24	33	Read first time. Placed on General File	1122
Mar.	26	52	Advanced for Review	1897
Mar.	29	55	Placed on Select File	2007
Apr.	3	58	Advanced for Engrossment	2265
Apr.	3	58	Correctly Engrossed	2280
Apr.	9	60	Final Reading 38-7-4	2424
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Higgins explanation of vote	2433
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 931. By Remmers

Jan.	9	4	Read first time	322
Jan.	11	6	Referred to Committee on Education	358
Jan.	26	16	Notice of hearing (2-7)	611
Feb.	16	29	Placed on General File - Com am #1840	1000
Feb.	16	29	Remmers priority bill	1002
Mar.	5	39	Committee amendment #1840 adopted. Advanced for Review	1327
Mar.	13	45	Placed on Select File - AM5367	1585
Mar.	15	47	AM5367 (E and R) adopted. Advanced for Engrossment	1643
Mar.	15	47	Abboud name added	1656
Mar.	23	51	Correctly Engrossed	1832
Apr.	5	59	Final Reading w/E 45-0-4	2313
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 931A. By Remmers

Feb.	28	35	Read first time. Placed on General File	1175
Mar.	5	39	Advanced for Review	1328
Mar.	13	45	Placed on Select File	1585
Mar.	15	47	Advanced for Engrossment	1643
Mar.	23	51	Correctly Engrossed	1832
Apr.	5	59	Final Reading w/E 44-0-5	2314
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 932. By Government, Military and Veterans Affairs Committee

Jan.	9	4	Read first time	322
Jan.	11	6	Referred to Committee on Revenue	358
Jan.	20	12	Notice of hearing (2-1)	513
Feb.	13	26	Placed on General File - Com am #1946	895
Mar.	2	38	Committee amendment #1946 adopted. Advanced for Review	1276
Mar.	12	44	Placed on Select File - AM5354	1526
Mar.	30	56	AM5354 (E and R) adopted. Advanced for Engrossment	2161
Apr.	2	57	Correctly Engrossed	2188
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 45-0-4	2374

Apr.	5	59	Speaker signed	2385
Apr.	9	60	Presented to Governor	2388
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 933. By Government, Military and Veterans Affairs Committee

Jan.	9	4	Read first time	322
Jan.	11	6	Referred to Committee on Government, Military and Veterans Affairs	358
Jan.	12	7	Notice of hearing (2-10)	391
Feb.	13	26	Placed on General File	897
Feb.	15	28	Landis-Wagner amendment adopted. Advanced for Review	963
Feb.	21	30	Placed on Select File - AM5284	1026
Mar.	6	40	AM5284 (E and R) adopted. Warner amendment adopted. Advanced for Engrossment	1364
Mar.	20	48	Correctly Engrossed	1663
Mar.	20	48	ER0191 change	1664
Mar.	29	55	Final Reading 47-0-2	2079
Mar.	29	55	Speaker signed	2087
Mar.	30	56	Presented to Governor	2093
Apr.	3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 934. By Government, Military and Veterans Affairs Committee

Jan.	9	4	Read first time	323
Jan.	11	6	Referred to Committee on Government, Military and Veterans Affairs	358
Jan.	12	7	Notice of hearing (2-10)	391
Feb.	13	26	Placed on General File	897
Feb.	15	28	Advanced for Review	963
Feb.	22	31	Placed on Select File - AM5289	1060
Feb.	24	33	AM5289 (E and R) adopted. Advanced for Engrossment	1127
Mar.	5	39	Correctly Engrossed	1286
Mar.	9	43	Final Reading w/E 45-0-4	1472
Mar.	9	43	Speaker signed	1478
Mar.	9	43	Presented to Governor	1490
Mar.	15	47	Approved by Governor (3-15)	1651

LEGISLATIVE BILL 935. By Chambers

Jan.	9	4	Read first time	323
Jan.	11	6	Referred to Committee on Miscellaneous Subjects	358
Jan.	18	10	Notice of hearing (1-26)	470
Feb.	6	21	Chambers amendment #1844 printed	795
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 936. By Wesely, DeCamp, R. Johnson, Hefner, Rupp, Lamb

Jan.	9	4	Read first time	323
Jan.	11	6	Referred to Committee on Banking, Commerce and Insurance	358
Jan.	16	8	Notice of hearing (1-24)	412
Feb.	14	27	Placed on General File - Com am #1966	951
Feb.	21	30	Nichol priority bill	1036
Mar.	2	38	Committee amendment #1966 adopted. Advanced for Review	1277
Mar.	8	42	Withem amendment printed	1462
Mar.	12	44	Placed on Select File - AM5360	1528
Apr.	2	57	AM5360 (E and R) adopted. Withem pending amendment p. 1462 withdrawn. Advanced for Engrossment	2205
Apr.	3	58	Correctly Engrossed	2236
Apr.	9	60	Final Reading 47-0-2	2425
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Higgins explanation of vote	2433
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 937. By Hannibal

Jan.	10	5	Read first time	332
Jan.	11	6	Referred to Committee on Revenue	358
Jan.	20	12	Notice of hearing (2-1)	513
Mar.	5	39	Indefinitely postponed	1293

LEGISLATIVE BILL 938. By R. Johnson

Jan.	10	5	Read first time	332
Jan.	11	6	Referred to Committee on Education	358
Jan.	26	16	Notice of hearing (2-7)	611
Feb.	24	33	Indefinitely postponed	1135

LEGISLATIVE BILL 939. By Banking, Commerce and Insurance Committee

Jan. 10	5	Read first time	332
Jan. 11	6	Referred to Committee on Special Commonwealth	358
Jan. 24	14	Notice of hearing (1-31)	566
Feb. 3	20	Indefinitely postponed	768

LEGISLATIVE BILL 940. By Banking, Commerce and Insurance Committee

Jan. 10	5	Read first time	332
Jan. 11	6	Referred to Committee on Special Commonwealth	358
Jan. 24	14	Notice of hearing (1-31)	566
Feb. 3	20	Indefinitely postponed	768

LEGISLATIVE BILL 941. By Kahle, Pirsch

Jan. 10	5	Read first time	332
Jan. 11	6	Referred to Committee on Revenue	358
Jan. 24	14	Notice of hearing (2-6)	567
Feb. 16	29	Pirsch priority bill	1002
Mar. 8	42	Placed on General File - Com am #2247	1450
Mar. 12	44	Message from Governor	1530
Mar. 14	46	Committee amendment #2247 adopted. Failed to advance for Review	1613
Mar. 14	46	Kahle amendment #2412 printed	1615
Mar. 29	55	Kahle pending amendment #2412 withdrawn. Pirsch motion to suspend rules prevailed. Failed to advance for Review	2032
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 941A. By Kahle, Pirsch

Mar. 22	50	Read first time. Placed on General File	1803
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 942. By Vickers

Jan. 10	5	Read first time	333
Jan. 11	6	Referred to Committee on Education	358
Jan. 26	16	Notice of hearing (2-6)	611
Feb. 2	19	Vickers amendment #1871 printed	728
Feb. 22	31	Placed on General File	1072

Feb. 24	33	Vickers amendment adopted. Advanced for Review	1113
Feb. 28	35	Placed on Select File - AM5311	1180
Mar. 6	40	Vickers amendment #2297 printed	1362
Mar. 29	55	AM5311 (E and R) adopted. Vickers pending amendments #1871 p. 728 and #2297 p. 1362 adopted. Advanced for Engrossment	2091
Apr. 2	57	Correctly Engrossed. ER0239 change	2188
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading 43-2-4	2375
Apr. 5	59	Speaker signed	2385
Apr. 9	60	Presented to Governor	2388
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 943. By Landis

Jan. 10	5	Read first time	333
Jan. 11	6	Referred to Committee on Miscellaneous Subjects	358
Jan. 18	10	Notice of hearing (1-26)	470
Jan. 31	17	Indefinitely postponed	651

LEGISLATIVE BILL 944. By Government, Military and Veterans Affairs Committee

Jan. 10	5	Read first time	343
Jan. 11	6	Referred to Committee on Government, Military and Veterans Affairs	358
Jan. 12	7	Notice of hearing (2-3)	391
Feb. 7	22	Placed on General File - Com am #1904	814
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 945. By Newell, Labedz, McDonald, Hoagland, Kilgarin, Scofield, Morehead, Withem, Wesely, Vickers, Higgins

Jan. 10	5	Read first time	343
Jan. 11	6	Referred to Committee on Revenue	358
Jan. 24	14	Notice of hearing (2-7)	567
Feb. 10	25	Indefinitely postponed. Newell motion to place on General File laid over	864
Feb. 21	30	Newell pending motion to place on General File lost	1016

LEGISLATIVE BILL 946. By Miscellaneous Subjects Committee

Jan. 10	5	Read first time	344
Jan. 11	6	Referred to Committee on Miscellaneous Subjects	359
Jan. 12	7	Notice of hearing (1-19)	398
Jan. 20	12	Placed on General File	526
Jan. 23	13	Advanced for Review	547
Jan. 31	17	Placed on Select File - AM5230	626
Feb. 2	19	AM5230 (E and R) adopted. Advanced for Engrossment	731
Feb. 6	21	Correctly Engrossed	770
Feb. 9	24	Final Reading w/E 33-0-16	854
Feb. 9	24	President signed	855
Feb. 9	24	Haberman explanation of vote	859
Feb. 10	25	Presented to Governor	864
Feb. 13	26	Approved by Governor (2-10)	888

LEGISLATIVE BILL 947. By Miscellaneous Subjects Committee

Jan. 10	5	Read first time	344
Jan. 11	6	Referred to Committee on Miscellaneous Subjects	359
Jan. 12	7	Notice of hearing (1-19)	398
Jan. 23	13	Placed on General File - Com am #1729	540
Jan. 24	14	Committee amendment #1729 adopted. Advanced for Review	562
Jan. 31	17	Placed on Select File - AM5236	628
Feb. 6	21	AM5236 (E and R) adopted. Advanced for Engrossment	794
Feb. 9	24	Correctly Engrossed	844
Feb. 23	32	Final Reading 48-0-1	1087
Feb. 23	32	President signed	1100
Feb. 23	32	Presented to Governor	1103
Feb. 24	33	Approved by Governor (2-24)	1114

LEGISLATIVE BILL 948. By Miscellaneous Subjects Committee

Jan. 10	5	Read first time	344
Jan. 11	6	Referred to Committee on Miscellaneous Subjects	359
Jan. 18	10	Notice of hearing (2-2)	470
Feb. 28	35	Indefinitely postponed	1182

LEGISLATIVE BILL 949. By Miscellaneous Subjects Committee

Jan. 10	5	Read first time	344
Jan. 11	6	Referred to Committee on Miscellaneous Subjects	359
Jan. 18	10	Notice of hearing (2-2)	470
Feb. 16	29	Miscellaneous Subjects Committee priority bill	1003
Feb. 29	36	Placed on General File - Com am #2134	1184
Mar. 6	40	Hefner amendment #2221 printed	1386
Mar. 7	41	Hefner amendment #2318 to committee amendment printed	1427
Mar. 8	42	Morehead amendment #2376 to committee amendment printed	1461
Mar. 20	48	Passed over	1711
Mar. 23	51	Committee amendment #2134 adopted as amended by Hefner pending amendment #2318 p. 1427, Hefner amendment #2592, and Morehead pending amendment #2376 p. 1461. Hefner pending amendment #2221 p. 1386 and Hannibal amendment adopted. Haberman amendment #2582 lost. Advanced for Review	1836
Mar. 28	54	Placed on Select File - AM5412	1944
Mar. 30	56	Hefner-V. Johnson-Labedz amendment #2693 printed	2163
Apr. 2	57	Hoagland amendment #2718 to amendment #2693 printed	2210
Apr. 3	58	AM5412 (E and R) adopted. Hefner-V. Johnson-Labedz pending amendment #2693 adopted as amended by Hefner amendment #2717. Hoagland pending amendment #2718 withdrawn. Advanced for Engrossment	2238
Apr. 3	58	Correctly Engrossed	2271
Apr. 3	58	ER0252 change	2272
Apr. 9	60	Final Reading w/E 44-0-5	2390
Apr. 9	60	Abboud explanation of vote. Speaker signed	2431
Apr. 9	60	Higgins explanation of vote	2433
Apr. 9	60	Presented to Governor	2444
Apr. 18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 950. By Miscellaneous Subjects Committee

Jan.	10	5	Read first time	345
Jan.	12	7	Referred to Committee on Miscellaneous Subjects	396
Jan.	18	10	Notice of hearing (2-2)	470
Feb.	28	35	Indefinitely postponed	1182

LEGISLATIVE BILL 951. By Miscellaneous Subjects Committee

Jan.	10	5	Read first time	345
Jan.	12	7	Referred to Committee on Miscellaneous Subjects	396
Jan.	12	7	Notice of hearing (1-20)	398
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 952. By Vickers, Harris

Jan.	10	5	Read first time	349
Jan.	12	7	Referred to Committee on Education	396
Jan.	26	16	Notice of hearing (2-7)	611
Feb.	24	33	Indefinitely postponed	1135

LEGISLATIVE BILL 953. By Landis, Beutler

Jan.	10	5	Read first time	349
Jan.	12	7	Referred to Committee on Agriculture and Environment	396
Jan.	26	16	Notice of hearing (2-2)	587
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 954. By DeCamp

Jan.	11	6	Read first time	353
Jan.	12	7	Referred to Committee on Banking, Commerce and Insurance	396
Jan.	16	8	Notice of hearing (1-23)	412
Mar.	2	38	Placed on General File - Com am #2260	1279
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 955. By Wesely

Jan.	11	6	Read first time	360
Jan.	12	7	Referred to Committee on Revenue	396
Jan.	24	14	Notice of hearing (2-7)	567
Mar.	5	39	Indefinitely postponed	1293

LEGISLATIVE BILL 956. By Eret

Jan.	11	6	Read first time	361
Jan.	12	7	Referred to Committee on Revenue	396
Jan.	16	8	Notice of hearing (1-24)	417
Jan.	31	17	Placed on General File - Com am #1806	651
Feb.	24	33	Committee amendment #1806 adopted. Advanced for Review	1117
Feb.	24	33	Wesely amendment printed	1130
Feb.	29	36	Pappas-DeCamp amendment #2159 printed	1197
Mar.	1	37	Placed on Select File - AM5318	1231
Mar.	7	41	Newell amendment #2340 printed	1428
Mar.	28	54	Pappas amendment printed	1958
Apr.	3	58	AM5318 (E and R) adopted. Wesely pending amendment p. 1130, Pappas-DeCamp pending amendment #2159 p. 1197, Newell pending amendment #2340 p. 1428, and Pappas pending amendment p. 1958 withdrawn. Eret amendment adopted. Advanced for Engrossment	2284
Apr.	3	58	Correctly Engrossed	2288
Apr.	3	58	ER0265 change	2289
Apr.	9	60	Final Reading 36-10-3	2426
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Higgins explanation of vote	2433
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-13)	2492

LEGISLATIVE BILL 956A. By Eret

Mar.	9	43	Read first time. Placed on General File	1492
Mar.	26	52	Advanced for Review	1849
Mar.	28	54	Placed on Select File	1959
Apr.	3	58	Eret motion to indefinitely postpone prevailed	2284

LEGISLATIVE BILL 957. By Eret

Jan.	11	6	Read first time	361
Jan.	12	7	Referred to Committee on Education	397
Jan.	26	16	Notice of hearing (2-21)	612
Feb.	14	27	Eret amendment #1979 printed	952
Mar.	1	37	Placed on General File - Com am #2183	1250
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 958. By Newell

Jan. 11	6	Read first time	361
Jan. 12	7	Referred to Committee on Revenue	397
Jan. 24	14	Notice of hearing (2-28)	568
Mar. 5	39	Indefinitely postponed	1344

LEGISLATIVE BILL 959. By Pappas

Jan. 11	6	Read first time	361
Jan. 12	7	Referred to Committee on Appropriations	397
Feb. 1	18	Notice of hearing (2-23)	700
Mar. 1	37	Placed on General File - Com am #2203	1251
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 960. By Landis

Jan. 11	6	Read first time	362
Jan. 12	7	Referred to Committee on Education	397
Jan. 17	9	Notice of hearing (1-24)	452
Jan. 31	17	Placed on General File - Com am #1792	637
Feb. 15	28	Committee amendment #1792 adopted. Nichol amendment lost. Advanced for Review	982
Feb. 22	31	Landis amendment #2030 printed	1058
Feb. 23	32	Placed on Select File - AM5295	1080
Mar. 9	43	AM5295 (E and R) adopted. Landis pending amendment #2030 p. 1058 adopted. Advanced for Engrossment	1491
Mar. 22	50	Correctly Engrossed	1774
Apr. 2	57	Returned to Select File for Landis amendment. Landis amendment #2708 adopted. Advanced for Re-Engrossment	2198
Apr. 3	58	Correctly Re-Engrossed	2230
Apr. 9	60	Final Reading 38-7-4	2427
Apr. 9	60	Speaker signed	2431
Apr. 9	60	Higgins explanation of vote	2433
Apr. 9	60	Presented to Governor	2444
Apr. 18	AJ	Returned by Governor without approval	2489

LEGISLATIVE BILL 960A. By Landis

Feb. 8	23	Read first time. Placed on General File	833
Feb. 15	28	Advanced for Review	982
Feb. 23	32	Placed on Select File - AM5296	1081
Mar. 9	43	AM5296 (E and R) adopted.	

		Advanced for Engrossment	1491
Mar. 22	50	Correctly Engrossed	1774
Apr. 2	57	Returned to Select File for Landis amendment. Landis amendment adopted. Indefinitely postponed	2199

LEGISLATIVE BILL 961. By Harris

Jan. 11	6	Read first time	362
Jan. 12	7	Referred to Committee on Miscellaneous Subjects	397
Jan. 24	14	Notice of hearing (2-9)	559
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 962. By Revenue Committee

Jan. 11	6	Read first time	363
Jan. 12	7	Referred to Committee on Revenue	397
Jan. 24	14	Notice of hearing (2-7)	567
Feb. 13	26	Placed on General File - Com am #1947	895
Feb. 16	29	Carsten priority bill	1002
Mar. 5	39	Carsten amendment #2269 printed	1319
Mar. 6	40	Carsten pending amendment #2269 p. 1319 adopted. Committee amendment #1947 adopted. Advanced for Review	1370
Mar. 7	41	V. Johnson amendment printed	1401
Mar. 8	42	Carsten amendment #2365 printed	1450
Mar. 8	42	Warner amendment #2360 printed	1457
Mar. 13	45	Carsten amendment #2449 printed	1595
Mar. 20	48	Placed on Select File - AM5385	1667
Mar. 22	50	Carsten amendment #2553 printed	1797
Mar. 28	54	AM5385 (E and R) adopted. Carsten pending amendment #2365 p. 1450 withdrawn. Warner pending amendment #2360 p. 1457, Carsten pending amendments #2449 p. 1595 and #2553 p. 1797 adopted. Advanced for Engrossment	1961
Mar. 30	56	Correctly Engrossed. ER0225 change	2162
Apr. 5	59	V. Johnson pending amendment p. 1401 withdrawn. Final Reading 42-0-7	2305
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 9	60	Returned by Governor without approval	2421
Apr. 9	60	Warner-Carsten motion to override veto prevailed 38-4-7	2453
Apr. 9	60	Communication	2467

Apr.	9	60	Certificate	2468
Apr.	18	AJ	Message from Secretary of State	2477
Apr.	18	AJ	Certificate	2478

LEGISLATIVE BILL 963. By Higgins

Jan.	11	6	Read first time	363
Jan.	12	7	Referred to Committee on Judiciary	397
Jan.	31	17	Notice of hearing (2-29)	637
Feb.	16	29	Higgins amendment #2020 printed	986
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 964. By Hoagland

Jan.	11	6	Read first time	367
Jan.	12	7	Referred to Committee on Judiciary	397
Jan.	31	17	Notice of hearing (2-29)	637
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 965. By R. Johnson, Pirsch, Chronister, Beutler, Von Minden

Jan.	11	6	Read first time	367
Jan.	12	7	Referred to Committee on Judiciary	397
Jan.	20	12	Notice of hearing (2-6)	527
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 966. By Abboud, Von Minden, Kahle, Eret, Pirsch, Hoagland, H. Peterson

Jan.	11	6	Read first time	368
Jan.	12	7	Referred to Committee on Government, Military and Veterans Affairs	397
Jan.	18	10	Notice of hearing (2-2)	470
Jan.	18	10	Chronister name added	481
Feb.	15	28	Indefinitely postponed	956

LEGISLATIVE BILL 967. By Warner

Jan.	11	6	Read first time	368
Jan.	12	7	Referred to Committee on Constitutional Revision and Recreation	397
Jan.	18	10	Notice of hearing (1-26)	470
Feb.	10	25	Placed on General File	877
Feb.	15	28	Advanced for Review	963
Feb.	21	30	Placed on Select File - AM5280	1007

Feb. 24	33	AM5280 (E and R) adopted. Advanced for Engrossment	1127
Mar. 5	39	Correctly Engrossed	1286
Mar. 9	43	Final Reading 46-0-3	1473
Mar. 9	43	Speaker signed	1478
Mar. 9	43	Presented to Governor	1490
Mar. 15	47	Approved by Governor (3-15)	1651

LEGISLATIVE BILL 968. By Agriculture and Environment Committee

Jan. 11	6	Read first time	372
Jan. 12	7	Referred to Committee on Public Works	397
Jan. 24	14	Notice of hearing (2-8)	560
Jan. 25	15	Correction	571
Feb. 16	29	Placed on General File	988
Feb. 24	33	Advanced for Review	1111
Feb. 27	34	Placed on Select File - AM5304	1142
Mar. 2	38	AM5304 (E and R) adopted. Advanced for Engrossment	1268
Mar. 9	43	Correctly Engrossed	1504
Mar. 14	46	Final Reading 42-3-4	1608
Mar. 14	46	Speaker signed	1611
Mar. 14	46	Presented to Governor	1622
Mar. 20	48	Approved by Governor (3-19)	1667

LEGISLATIVE BILL 969. By Haberman

Jan. 11	6	Read first time	372
Jan. 12	7	Notice of hearing (1-19)	391
Jan. 12	7	Referred to Committee on Agriculture and Environment	397
Jan. 23	13	Placed on General File	534
Feb. 10	25	Advanced for Review	867
Feb. 13	26	Placed on Select File	907
Feb. 24	33	Advanced for Engrossment	1124
Mar. 2	38	Correctly Engrossed	1263
Mar. 7	41	Final Reading 39-1-9	1421
Mar. 7	41	President signed	1424
Mar. 8	42	Presented to Governor	1430
Mar. 12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 970. By Vickers, Haberman, Scofield, Lundy, Kahle, H. Peterson, Remmers, Hefner, Von Minden, Kilgarin, Carsten, Clark, R. Johnson, Barrett, Chronister, V. Johnson

Jan. 11	6	Read first time	372
Jan. 12	7	Referred to Committee on Education	397
Jan. 17	9	Notice of hearing (1-24)	452
Feb. 10	25	Placed on General File - Com am #1965	880
Feb. 15	28	Lundy priority bill	958
Mar. 2	38	Vickers-Lundy amendment #2236 printed	1270
Mar. 5	39	Committee amendment #1965 adopted. Vickers-Lundy pending amendment #2236 p. 1270 adopted. Warner motion to indefinitely postpone pending	1296
Mar. 5	39	Warner pending motion to indefinitely postpone lost. Landis amendment adopted. Advanced for Review	1299
Mar. 13	45	Placed on Select File - AM5364	1573
Mar. 27	53	Vickers-Warner-Scofield amendment #2620 printed	1913
Mar. 28	54	AM5364 (E and R) adopted. Beutler amendment #2651 lost. Vickers-Warner-Scofield pending amendment #2620 p. 1913 adopted. Advanced for Engrossment	1950
Mar. 30	56	Correctly Engrossed. ER0222 change	2125
Apr. 5	59	Final Reading w/E 40-6-3	2338
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 970A. By Vickers

Mar. 5	39	Read first time. Placed on General File	1309
Mar. 12	44	Vickers amendment adopted. Warner amendment lost. Advanced for Review	1544
Mar. 13	45	Correction	1561
Mar. 13	45	Warner amendment #2463 printed	1602
Mar. 21	49	Placed on Select File	1740
Mar. 28	54	Warner pending amendment #2463 adopted. Warner amendment lost. Advanced for Engrossment	1951
Mar. 30	56	Correctly Engrossed	2125
Apr. 5	59	Final Reading 38-8-3	2339
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 9	60	Approved by Governor with line-item veto (4-9)	2420
Apr. 9	60	Von Minden-Hefner-Scofield motion to	

			override line-item veto lost 23-26-0	2454
Apr.	18	AJ	Communication	2479
Apr.	18	AJ	Message from Secretary of State. Certificate	2484

LEGISLATIVE BILL 971. By Wesely

Jan.	11	6	Read first time	372
Jan.	17	9	Referred to Committee on Nebraska Retirement Systems	449
Feb.	3	20	Notice of hearing (2-10)	740
Feb.	16	29	Placed on General File - Com am #1959	991
Mar.	2	38	Committee amendment #1959 adopted. Advanced for Review	1281
Mar.	12	44	Placed on Select File	1538
Mar.	30	56	Advanced for Engrossment	2162
Apr.	2	57	Correctly Engrossed	2188
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 44-0-5	2376
Apr.	5	59	Speaker signed	2385
Apr.	9	60	Presented to Governor	2388
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 972. By Judiciary Committee

Jan.	11	6	Read first time	373
Jan.	17	9	Referred to Committee on Judiciary	449
Jan.	20	12	Notice of hearing (2-8)	527
Feb.	21	30	Placed on General File - Com am #2061	1039
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 973. By Judiciary Committee

Jan.	11	6	Read first time	373
Jan.	17	9	Referred to Committee on Judiciary	449
Jan.	20	12	Notice of hearing (2-8)	527
Feb.	21	30	Placed on General File	1042
Feb.	24	33	Advanced for Review	1112
Feb.	28	35	Placed on Select File - AM5308	1180
Mar.	29	55	AM5308 (E and R) adopted. Withem amendment #2494 lost. Advanced for Engrossment	2089
Apr.	2	57	Correctly Engrossed	2174
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 44-0-5	2377
Apr.	5	59	Speaker signed	2385

Apr.	9	60	Presented to Governor	2388
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 974. By Judiciary Committee

Jan.	11	6	Read first time	373
Jan.	17	9	Referred to Committee on Judiciary	449
Jan.	20	12	Notice of hearing (2-8)	527
Feb.	22	31	Placed on General File - Com am #2064	1069
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 975. By Landis

Jan.	11	6	Read first time	374
Jan.	17	9	Referred to Committee on Government, Military and Veterans Affairs	450
Jan.	18	10	Notice of hearing (2-2)	470
Feb.	13	26	Placed on General File - Com am #1909	892
Feb.	16	29	Government Committee priority bill	1003
Mar.	2	38	Committee amendment #1909 adopted. Advanced for Review	1275
Mar.	2	38	Wesely name added	1279
Mar.	12	44	Placed on Select File - AM5353	1525
Mar.	15	47	AM5353 (E and R) adopted. Advanced for Engrossment	1644
Mar.	23	51	Correctly Engrossed. ER0215 change	1839
Apr.	9	60	Final Reading 44-1-4	2418
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Higgins explanation of vote	2433
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 976. By Haberman

Jan.	11	6	Read first time	375
Jan.	12	7	Notice of hearing (1-19)	391
Jan.	17	9	Referred to Committee on Agriculture and Environment	450
Jan.	23	13	Placed on General File	534
Jan.	24	14	Advanced for Review	561
Jan.	31	17	Placed on Select File - AM5234	628
Feb.	6	21	AM5234 (E and R) adopted. Advanced for Engrossment	794
Feb.	8	23	Correctly Engrossed	838
Apr.	5	59	Final Reading 44-0-5	2318
Apr.	5	59	President signed	2342

Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 976A. By Haberman

Feb.	2	19	Read first time. Placed on General File	714
Feb.	23	32	Advanced for Review	1085
Feb.	27	34	Placed on Select File	1138
Mar.	2	38	Advanced for Engrossment	1268
Mar.	9	43	Correctly Engrossed	1504
Mar.	21	49	Returned to Select File for Haberman amendment. Haberman amendment #1932 adopted. Advanced for Re-Engrossment	1741
Mar.	26	52	Correctly Re-Engrossed	1888
Apr.	5	59	Final Reading 44-0-5	2318
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 977. By Haberman

Jan.	11	6	Read first time	375
Jan.	12	7	Notice of hearing (1-19)	391
Jan.	17	9	Referred to Committee on Agriculture and Environment	450
Jan.	23	13	Placed on General File	534
Jan.	24	14	Advanced for Review	562
Jan.	31	17	Placed on Select File	628
Feb.	6	21	Advanced for Engrossment	794
Feb.	8	23	Correctly Engrossed	838
Feb.	14	27	Final Reading w/E 39-0-10	940
Feb.	14	27	President signed	949
Feb.	15	28	Presented to Governor	957
Feb.	21	30	Approved by Governor (2-17)	1007

LEGISLATIVE BILL 978. By Morehead

Jan.	11	6	Read first time	375
Jan.	17	9	Referred to Committee on Miscellaneous Subjects	450
Jan.	24	14	Notice of hearing (2-10)	560
Feb.	14	27	Indefinitely postponed	932

LEGISLATIVE BILL 979. By Beutler

Jan. 12	7	Read first time	386
Jan. 17	9	Referred to Committee on Judiciary	450
Jan. 31	17	Notice of hearing (2-13)	636
Feb. 14	27	Placed on General File	943
Feb. 24	33	Advanced for Review	1111
Feb. 27	34	Placed on Select File - AM5302	1142
Mar. 2	38	AM5302 (E and R) adopted. Advanced for Engrossment	1268
Mar. 9	43	Correctly Engrossed	1504
Mar. 14	46	Final Reading w/E 45-0-4	1609
Mar. 14	46	Speaker signed	1611
Mar. 14	46	Presented to Governor	1622
Mar. 20	48	Approved by Governor (3-19)	1667

LEGISLATIVE BILL 980. By Beutler

Jan. 12	7	Read first time	386
Jan. 17	9	Referred to Committee on Miscellaneous Subjects	450
Jan. 24	14	Notice of hearing (2-24)	560
Feb. 28	35	Placed on General File	1181
Mar. 2	38	Advanced for Review	1260
Mar. 6	40	Placed on Select File	1360
Mar. 9	43	Advanced for Engrossment	1484
Mar. 20	48	Correctly Engrossed	1695
Mar. 29	55	Final Reading 49-0-0	2080
Mar. 29	55	Speaker signed	2087
Mar. 30	56	Presented to Governor	2093
Apr. 3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 981. By Education Committee

Jan. 12	7	Read first time	386
Jan. 17	9	Referred to Committee on Education	450
Jan. 17	9	Notice of hearing (1-24)	452
Feb. 8	23	Placed on General File - Com am #1925	832
Feb. 21	30	Nichol priority bill	1036
Mar. 2	38	Committee amendment #1925 adopted. Advanced for Review	1269
Mar. 8	42	Placed on Select File - AM5343	1441
Mar. 13	45	Vickers amendment #2443 printed	1588
Mar. 13	45	AM5343 (E and R) adopted. Vickers pending amendment #2443 p. 1588 adopted	1602
Mar. 14	46	Newell amendment #2467 printed	1624

Mar.	15	47	Newell pending amendment #2467 adopted. Vickers amendment adopted. Advanced for Engrossment	1637
Mar.	22	50	Correctly Engrossed. ER0196 change	1791
Mar.	28	54	Newell amendment #2610 printed	1953
Mar.	29	55	Newell amendment #2611 printed	2062
Apr.	2	57	Returned to Select File for Newell amendment. Newell pending amendment #2610 p. 1953 adopted. Advanced for Re-Engrossment. Newell pending amendment #2611 p. 2062 withdrawn	2202
Apr.	3	58	Correctly Re-Engrossed	2230
Apr.	3	58	ER0246 change	2231
Apr.	9	60	Final Reading 29-18-2	2427
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Approved by Governor (4-13)	2492

LEGISLATIVE BILL 981A. By Vickers

Feb.	27	34	Read first time. Placed on General File	1155
Mar.	2	38	Advanced for Review	1270
Mar.	8	42	Placed on Select File	1441
Mar.	15	47	Advanced for Engrossment	1637
Mar.	22	50	Correctly Engrossed	1791
Apr.	9	60	Final Reading 30-18-1	2428
Apr.	9	60	Speaker signed	2431
Apr.	9	60	Presented to Governor	2444
Apr.	18	AJ	Communication	2487
Apr.	18	AJ	Approved by Governor with line-item veto (4-13)	2490
Apr.	18	AJ	Message from Secretary of State	2495
Apr.	18	AJ	Certificate	2496

LEGISLATIVE BILL 982. By Education Committee

Jan.	12	7	Read first time	389
Jan.	17	9	Referred to Committee on Education	450
Jan.	26	16	Notice of hearing (2-14)	612
Feb.	21	30	Placed on General File - Com am #2044	1031
Feb.	21	30	Nichol priority bill	1036
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 982A. By Vickers

Feb. 24	33	Read first time. Placed on Select File	1122
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 983. By Schmit

Jan. 12	7	Read first time	392
Jan. 17	9	Referred to Committee on Public Works	450
Jan. 24	14	Notice of hearing (2-1)	557
Feb. 8	23	Placed on General File	831
Feb. 9	24	Hoagland explanation of vote	856
Feb. 9	24	Clark explanation of vote	859
Feb. 16	29	Schmit priority bill	1003
Mar. 5	39	Schmit amendment adopted. Failed to advance for Review	1294
Mar. 22	50	Schmit amendment #2393 printed	1803
Mar. 29	55	Schmit pending amendment #2393 p. 1803 adopted. DeCamp motion to suspend rules prevailed. Advanced for Review	2033
Mar. 30	56	Placed on Select File	2151
Apr. 2	57	Hoagland-Clark amendment printed	2185
Apr. 3	58	Hoagland-Clark pending amendment p. 2185 withdrawn. Advanced for Engrossment	2259
Apr. 3	58	Correctly Engrossed	2280
Apr. 9	60	Beutler motion to return to Select File withdrawn	2431
Apr. 9	60	Final Reading 25-20-4	2432
Apr. 9	60	Speaker signed	2442
Apr. 9	60	Presented to Governor	2448
Apr. 18	AJ	Approved by Governor (4-13)	2492

LEGISLATIVE BILL 984. By Schmit

Jan. 12	7	Read first time	392
Jan. 17	9	Referred to Committee on Public Works	450
Jan. 24	14	Notice of hearing (2-1)	557
Feb. 21	30	Placed on General File - Com am #1930	1025
Mar. 2	38	Committee amendment #1930 adopted as amended by Landis and Beutler amendments	1284
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 985. By Schmit

Jan.	12	7	Read first time	393
Jan.	17	9	Referred to Committee on Public Works	450
Jan.	24	14	Notice of hearing (2-1)	557
Feb.	8	23	Placed on General File	831
Feb.	10	25	Advanced for Review	877
Feb.	16	29	Placed on Select File - AM5275	986
Mar.	6	40	AM5275 (E and R) adopted. Advanced for Engrossment	1363
Mar.	13	45	Correctly Engrossed	1587
Mar.	14	46	Schmit amendment #2477 printed	1616
Mar.	21	49	Returned to Select File for Schmit amendment. Schmit pending amendment #2477 adopted. Advanced for Re-Engrossment. Beutler motion to return to Select File lost. Returned to Select File for Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment	1748
Mar.	26	52	Correctly Re-Engrossed. ER0208 change	1888
Apr.	5	59	Final Reading 46-0-3	2319
Apr.	5	59	President signed	2342
Apr.	5	59	Presented to Governor	2356
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 986. By Beutler, R. Johnson, Chronister, Pirsch

Jan.	12	7	Read first time	393
Jan.	17	9	Referred to Committee on Judiciary	450
Jan.	20	12	Notice of hearing (2-8)	527
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 987. By Hoagland

Jan.	12	7	Read first time	393
Jan.	17	9	Referred to Committee on Judiciary	450
Jan.	20	12	Notice of hearing (2-7)	527
Feb.	21	30	Placed on General File - Com am #2060	1041
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 988. By Barrett

Jan.	12	7	Read first time	393
Jan.	17	9	Referred to Committee on Judiciary	450
Jan.	20	12	Notice of hearing (2-7)	527

Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 989. By Agriculture and Environment Committee

Jan.	12	7	Read first time	393
Jan.	17	9	Referred to Committee on Agriculture and Environment	450
Jan.	19	11	Notice of hearing (1-26)	483
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 990. By Agriculture and Environment Committee

Jan.	12	7	Read first time	393
Jan.	17	9	Referred to Committee on Agriculture and Environment	450
Jan.	19	11	Notice of hearing (1-26)	483
Jan.	31	17	Placed on General File	630
Feb.	10	25	Advanced for Review	867
Feb.	14	27	Placed on Select File - AM5257	930
Mar.	6	40	AM5257 (E and R) adopted. R. Peterson amendment adopted. Advanced for Engrossment	1362
Mar.	14	46	Correctly Engrossed	1605
Mar.	14	46	ER0188 change	1606
Mar.	21	49	Final Reading 43-0-6	1754
Mar.	21	49	Speaker signed	1761
Mar.	22	50	Presented to Governor	1771
Mar.	27	53	Approved by Governor (3-27)	1938

LEGISLATIVE BILL 990A. By Haberman

Feb.	10	25	Read first time. Placed on General File	870
Feb.	23	32	Advanced for Review	1085
Feb.	27	34	Placed on Select File	1138
Mar.	6	40	Advanced for Engrossment	1363
Mar.	14	46	Correctly Engrossed	1605
Mar.	14	46	ER0189 change	1606
Mar.	21	49	Final Reading 43-0-6	1755
Mar.	21	49	Speaker signed	1761
Mar.	22	50	Presented to Governor	1771
Mar.	27	53	Approved by Governor (3-27)	1938

LEGISLATIVE BILL 991. By Agriculture and Environment Committee

Jan. 12	7	Read first time	394
Jan. 17	9	Referred to Committee on Agriculture and Environment	450
Jan. 19	11	Notice of hearing (1-26)	483
Feb. 1	18	Placed on General File - Com am #1815	675
Feb. 24	33	Committee amendment #1815 adopted. Advanced for Review	1123
Mar. 1	37	Placed on Select File - AM5314	1231
Mar. 9	43	AM5314 (E and R) adopted. Advanced for Engrossment	1483
Mar. 20	48	Correctly Engrossed	1678
Mar. 29	55	Final Reading 48-0-1	2081
Mar. 29	55	Speaker signed	2087
Mar. 30	56	Presented to Governor	2093
Apr. 9	60	Approved by Governor (4-5)	2389

LEGISLATIVE BILL 991A. By Haberman

Feb. 10	25	Read first time. Placed on General File	870
Feb. 24	33	Advanced for Review	1123
Mar. 1	37	Placed on Select File - AM5315	1231
Mar. 9	43	AM5315 (E and R) adopted. Advanced for Engrossment	1483
Mar. 20	48	Correctly Engrossed	1678
Mar. 29	55	Final Reading 46-0-3	2082
Mar. 29	55	Speaker signed	2087
Mar. 30	56	Presented to Governor	2093
Apr. 9	60	Approved by Governor (4-5)	2389

LEGISLATIVE BILL 992. By Hannibal

Jan. 12	7	Read first time	394
Jan. 17	9	Referred to Committee on Urban Affairs	450
Jan. 18	10	Notice of hearing (1-25)	470
Feb. 2	19	Placed on General File	724
Mar. 2	38	Advanced for Review	1257
Mar. 6	40	Placed on Select File - AM5328	1360
Mar. 9	43	AM5328 (E and R) adopted. Advanced for Engrossment	1484
Mar. 20	48	Correctly Engrossed	1695
Mar. 29	55	Final Reading 44-3-2	2082
Mar. 29	55	Speaker signed	2087
Mar. 30	56	Presented to Governor	2093

Apr.	3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 993. By Hannibal, Nichol, Higgins

Jan.	12	7	Read first time	394
Jan.	17	9	Referred to Committee on Education	450
Jan.	17	9	Notice of hearing (1-31)	453
Feb.	2	19	Placed on General File	716
Feb.	7	22	Newell name added	816
Feb.	16	29	Hannibal priority bill	1002
Feb.	27	34	Advanced for Review	1151
Feb.	28	35	Chambers name added	1171
Mar.	5	39	Placed on Select File - AM5325	1288
Mar.	7	41	AM5325 (E and R) adopted. Advanced for Engrossment	1396
Mar.	20	48	Correctly Engrossed	1663
Mar.	29	55	Final Reading 40-8-1	2083
Mar.	29	55	Speaker signed	2087
Mar.	30	56	Presented to Governor	2093
Apr.	9	60	Approved by Governor (4-5)	2389

LEGISLATIVE BILL 994. By Education Committee at request of Governor

Jan.	12	7	Referred to Committee on Education	397
Jan.	12	7	Read first time	398
Jan.	12	7	Notice of hearing (1-23)	410
Feb.	16	29	Education Committee priority bill.	1003
Feb.	24	33	Placed on General File - Com am #2088	1111
Feb.	27	34	Eret amendment #2132 to committee amendment printed	1155
Feb.	28	35	Vickers amendment to committee amendment printed	1175
Feb.	29	36	R. Johnson amendment to committee amendment printed	1192
Feb.	29	36	Remmers amendment #2152 to committee amendment printed	1204
Mar.	1	37	Vickers pending amendment p. 1175 to committee amendment adopted. Eret pending amendment #2132 p. 1155 to committee amendment adopted. R. Johnson pending amendment p. 1192 withdrawn	1226
Mar.	1	37	Remmers pending amendment #2152 p. 1204 adopted. Newell amendment #2138 lost. Lamb amendments #2127, #2185, #2129, and #2130 to committee amendment	

			adopted. Lamb amendment #2184 to committee amendment lost	1235
Mar.	1	37	Hoagland amendment to committee amendment printed. Haberman amendment adopted. Hefner amendment #2168, Remmers, V. Johnson-Remmers, and Beutler amendments to committee amendment lost. Committee amendment #2088 adopted as amended. V. Johnson motion to indefinitely postpone withdrawn. Advanced for Review	1245
Mar.	6	40	Placed on Select File - AM5331	1355
Mar.	7	41	Lamb amendment printed	1397
Mar.	7	41	Haberman amendment #2128 to committee amendment printed	1398
Mar.	12	44	Vickers amendments #2338, #2399, #2400, #2347, #2349, #2350, and #2344 to committee amendment printed	1520
Mar.	12	44	Message from Governor	1530
Mar.	13	45	R. Johnson amendment #2277 to committee amendment printed	1576
Mar.	13	45	H. Peterson-DeCamp amendments #2426 and #2456 to committee amendment printed	1596
Mar.	13	45	H. Peterson-DeCamp amendments #2457 and #2458 to H. Peterson-DeCamp amendment #2456 printed	1599
Mar.	13	45	Eret amendments #2420, #2421, #2422, and #2423 to committee amendment printed	1603
Mar.	14	46	Vickers amendment #2483 printed	1631
Mar.	15	47	L. Johnson amendment #2444 to committee amendment printed	1652
Mar.	21	49	Hefner amendments #2534 and #2535 to committee amendment printed	1727
Mar.	21	49	Vickers amendments #2539 and #2540 to committee amendment printed	1758
Mar.	21	49	Vickers amendment #2541 printed	1760
Mar.	22	50	AM5331 (E and R) adopted. Lamb pending amendment p. 1397 adopted	1793
Mar.	22	50	Haberman pending amendment #2128 p. 1398 lost. Vickers amendments #2338, #2399, #2400, #2347, #2349, #2350, #2344 (pp. 1520, 1521, and 1522), and #2539 P. 1758 withdrawn. Vickers amendment to committee amendment and pending	

		amendment #2541 p. 1760 adopted	1795
Mar. 22	50	Vickers amendment to committee amendment adopted. DeCamp-H. Peterson pending amendments #2426, #2456, #2457, #2458 (pp. 1596 and 1599); R. Johnson pending amendment #2277 p. 1576; Eret pending amendments #2421 and #2433 p. 1603; Vickers pending amendments #2540 p. 1758 and #2483 p. 1631; and Hefner pending amendments #2534 and #2535 p. 1727 withdrawn. Eret amendment to committee amendment; Eret pending amendments #2420 and #2422 p. 1603; Beutler-Wesely-Warner-Marsh amendment #2454 to committee amendment; Hoagland amendment to committee amendment; and Beutler amendment lost. L. Johnson pending amendment #2444 p. 1652 adopted	1799
Mar. 22	50	Hoagland pending amendment p. 1245 withdrawn. Hoagland amendment lost. Advanced for Engrossment	1808
Mar. 28	54	Correctly Engrossed. ER0217 change	1963
Apr. 5	59	Final Reading 42-3-4	2325
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 9	60	Vickers motion to request return from Governor withdrawn	2460
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 994A. By Vickers

Mar. 1	37	Read first time. Placed on General File	1216
Mar. 12	44	Vickers amendment adopted. Lamb amendment to Vickers amendment lost. Newell amendment #2433 lost. Newell motion to indefinitely postpone withdrawn. Advanced for Review	1544
Mar. 21	49	Placed on Select File - AM5397	1740
Mar. 22	50	AM5397 (E and R) adopted. Vickers amendments adopted. Advanced for Engrossment	1809
Mar. 28	54	Correctly Engrossed. ER0218 change	1963
Apr. 5	59	Final Reading 43-3-3	2326
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 18	AJ	Approved by Governor with line-	

			item veto (4-11)	2482
Apr.	18	AJ	Message from Secretary of State	2492
Apr.	18	AJ	Certificate	2493

LEGISLATIVE BILL 995. By Chronister

Jan.	12	7	Read first time	399
Jan.	17	9	Referred to Committee on Business and Labor	450
Jan.	19	11	Notice of hearing (2-1)	486
Feb.	2	19	Placed on General File	733
Feb.	9	24	Morehead name added	860
Feb.	10	25	Advanced for Review	871
Feb.	15	28	Placed on Select File - AM5266	973
Feb.	24	33	AM5266 (E and R) adopted. Advanced for Engrossment	1125
Mar.	2	38	Correctly Engrossed	1274
Mar.	7	41	Final Reading w/E 44-0-5	1422
Mar.	7	41	President signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 996. By Banking, Commerce and Insurance Committee

Jan.	12	7	Read first time	399
Jan.	17	9	Referred to Committee on Special Commonwealth	450
Jan.	26	16	Notice of hearing (2-9)	611
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 997. By Lamb, Scofield

Jan.	12	7	Read first time	410
Jan.	17	9	Referred to Committee on Education	450
Jan.	26	16	Notice of hearing (2-21)	612
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 998. By DeCamp

Jan.	16	8	Read first time	414
Jan.	17	9	Referred to Committee on Revenue	450
Jan.	24	14	Notice of hearing (2-27)	567
Mar.	6	40	Indefinitely postponed	1382

LEGISLATIVE BILL 999. By Marsh

Jan. 16	8	Read first time	420
Jan. 17	9	Referred to Committee on Education	450
Jan. 26	16	Notice of hearing (2-27)	612
Feb. 29	36	Placed on General File	1202
Mar. 2	38	Advanced for Review	1262
Mar. 6	40	Placed on Select File - AM5335	1361
Mar. 9	43	AM5335 (E and R) adopted. Advanced for Engrossment	1485
Mar. 21	49	Correctly Engrossed	1715
Mar. 21	49	ER0204 change	1716
Apr. 2	57	Final Reading 43-1-5	2182
Apr. 2	57	Speaker signed	2205
Apr. 2	57	Presented to Governor	2210
Apr. 3	58	Approved by Governor (4-3)	2242

LEGISLATIVE BILL 1000. By Wagner

Jan. 16	8	Read first time	420
Jan. 17	9	Referred to Committee on Public Works	450
Jan. 24	14	Notice of hearing (2-1)	557
Feb. 8	23	Placed on General File	831
Feb. 10	25	Advanced for Review	877
Feb. 16	29	Placed on Select File - AM5276	986
Feb. 24	33	AM5276 (E and R) adopted. Advanced for Engrossment	1126
Mar. 5	39	Correctly Engrossed	1286
Mar. 9	43	Final Reading 45-0-4	1474
Mar. 9	43	Speaker signed	1478
Mar. 9	43	Presented to Governor	1490
Mar. 15	47	Approved by Governor (3-15)	1651

LEGISLATIVE BILL 1001. By Constitutional Revision and Recreation Committee

Jan. 16	8	Read first time	420
Jan. 17	9	Referred to Committee on Constitutional Revision and Recreation	450
Jan. 26	16	Notice of hearing (2-10)	595
Feb. 21	30	Placed on General File	1028
Feb. 24	33	Advanced for Review	1112
Feb. 28	35	Placed on Select File - AM5305	1180
Mar. 2	38	AM5305 (E and R) adopted. Advanced for Engrossment	1269
Mar. 9	43	Correctly Engrossed	1512

Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading 44-2-3	2377
Apr. 5	59	Speaker signed	2385
Apr. 9	60	Presented to Governor	2388
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 1001A. By Labedz

Feb. 24	33	Read first time. Placed on General File	1106
Mar. 6	40	Advanced for Review	1348
Mar. 13	45	Placed on Select File	1586
Apr. 2	57	Advanced for Engrossment	2166
Apr. 2	57	Correctly Engrossed	2210
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading 44-2-3	2378
Apr. 5	59	Speaker signed	2385
Apr. 9	60	Presented to Governor	2388
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 1002. By Landis

Jan. 16	8	Read first time	420
Jan. 17	9	Referred to Committee on Public Health and Welfare	450
Feb. 2	19	Notice of hearing (2-21)	729
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1003. By Pappas, Vickers, Haberman

Jan. 16	8	Read first time	420
Jan. 17	9	Referred to Committee on Revenue	450
Jan. 24	14	Notice of hearing (2-27)	568
Mar. 6	40	Placed on General File - Com am #2251	1381
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1003A. By Pappas

Mar. 9	43	Read first time. Placed on General File	1485
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1004. By Abboud

Jan. 16	8	Read first time	420
Jan. 17	9	Referred to Committee on Revenue	450
Jan. 24	14	Notice of hearing (2-22)	567
Mar. 5	39	Indefinitely postponed	1344

LEGISLATIVE BILL 1005. By R. Johnson, Kahle, Sieck, Hefner, Carsten, V. Johnson, Rupp, Morehead, Wesely, McDonald, Scofield

Jan.	16	8	Read first time	421
Jan.	17	9	Referred to Committee on Agriculture and Environment	450
Jan.	26	16	Notice of hearing (2-9)	587
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1006. By Hannibal, Withem, McDonald, Barrett, Goodrich

Jan.	16	8	Read first time	421
Jan.	17	9	Referred to Committee on Government, Military and Veterans Affairs	450
Jan.	18	10	Notice of hearing (2-16)	470
Feb.	22	31	Placed on General File - Com am #2079	1059
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1007. By Remmers, Chronister

Jan.	16	8	Read first time	421
Jan.	17	9	Referred to Committee on Agriculture and Environment	450
Jan.	19	11	Notice of hearing (1-26)	483
Feb.	1	18	Placed on General File - Com am #1816	675
Feb.	24	33	Committee amendment #1816 adopted. Advanced for Review	1123
Mar.	1	37	Placed on Select File - AM5320	1232
Mar.	9	43	AM5320 (E and R) adopted. Advanced for Engrossment	1484
Mar.	20	48	Correctly Engrossed	1695
Mar.	20	48	ER0202 change	1696
Mar.	26	52	Remmers amendment #2589 printed	1850
Mar.	29	55	Returned to Select File for Remmers amendment. Remmers pending amendment #2589 p. 1850 adopted. Advanced for Re-Engrossment	2084
Apr.	2	57	Correctly Re-Engrossed	2174
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 47-0-2	2379
Apr.	5	59	Speaker signed	2385
Apr.	9	60	Presented to Governor	2388
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 1008. By Scofield, Carsten

Jan.	16	8	Read first time	426
Jan.	17	9	Referred to Committee on Miscellaneous Subjects	450
Jan.	24	14	Notice of hearing (2-23)	560
Feb.	28	35	Placed on General File - Com am #2136	1181
Mar.	7	41	Wagner name added	1393
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1009. By Education Committee

Jan.	16	8	Read first time	426
Jan.	17	9	Referred to Committee on Education	450
Jan.	26	16	Notice of hearing (2-6)	611
Feb.	24	33	Indefinitely postponed	1135

LEGISLATIVE BILL 1010. By Landis, Lundy

Jan.	16	8	Read first time	426
Jan.	17	9	Referred to Committee on Urban Affairs	450
Jan.	18	10	Notice of hearing (1-25)	470
Feb.	13	26	Placed on General File - Com am #1948	897
Mar.	2	38	Committee amendment #1948 adopted. Advanced for Review	1276
Mar.	12	44	Placed on Select File - AM5357	1526
Mar.	30	56	AM5357 (E and R) adopted. Advanced for Engrossment	2161
Apr.	2	57	Correctly Engrossed	2188
Apr.	2	57	ER0242 change	2189
Apr.	5	59	Final Reading 46-0-3	2380
Apr.	5	59	Speaker signed	2385
Apr.	9	60	Presented to Governor	2388
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 1011. By Beutler, Wesely, Harris

Jan.	16	8	Read first time	427
Jan.	17	9	Referred to Committee on Special Commonwealth	450
Jan.	24	14	Notice of hearing (1-31)	566
Jan.	2	15	V. Johnson amendment #1763 printed	582
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1012. By V. Johnson, Hoagland

Jan. 16	8	Read first time	427
Jan. 17	9	Referred to Committee on Miscellaneous Subjects	450
Jan. 24	14	Notice of hearing (2-16)	560
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1013. By Landis, Wesely

Jan. 16	8	Read first time	427
Jan. 17	9	Referred to Committee on Government, Military and Veterans Affairs	450
Jan. 18	10	Notice of hearing (2-16)	470
Feb. 23	32	Placed on General File - Com am #2084	1101
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1014. By Goodrich

Jan. 17	9	Read first time	438
Jan. 19	11	Referred to Committee on Business and Labor	491
Feb. 28	35	Attorney General's Opinion to Barrett	1158
Mar. 2	38	Goodrich motion to withdraw laid over	1284
Mar. 6	40	Goodrich pending motion prevailed. Withdrawn	1347

LEGISLATIVE BILL 1015. By Warner

Jan. 17	9	Read first time	438
Jan. 19	11	Referred to Committee on Appropriations	491
Feb. 1	18	Notice of hearing (2-13)	698
Mar. 1	37	Placed on General File	1240
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1016. By Barrett

Jan. 17	9	Read first time	438
Jan. 19	11	Referred to Committee on Miscellaneous Subjects	491
Jan. 24	14	Notice of hearing (2-24)	560
Feb. 28	35	Placed on General File	1181
Mar. 2	38	Advanced for Review	1260
Mar. 6	40	Placed on Select File - AM5334	1360
Mar. 9	43	AM5334 (E and R) adopted. Advanced for Engrossment	1484
Mar. 20	48	Correctly Engrossed	1695

Mar. 29	55	Final Reading w/E 44-3-2	2084
Mar. 29	55	Speaker signed	2087
Mar. 30	56	Presented to Governor	2093
Apr. 3	58	Approved by Governor (4-3)	2243

LEGISLATIVE BILL 1017. By Beutler

Jan. 17	9	Read first time	438
Jan. 19	11	Referred to Committee on Judiciary	491
Jan 20	12	Notice of hearing (2-1)	527
Jan. 25	15	Chronister name added	579
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL.1018. By Beutler

Jan. 17	9	Read first time	438
Jan. 19	11	Referred to Committee on Judiciary	491
Jan 20	12	Notice of hearing (2-1)	527
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1019. By Wesely, Landis

Jan. 17	9	Read first time	439
Jan. 19	11	Referred to Committee on Nebraska Retirement Systems	491
Feb. 3	20	Notice of hearing (2-14)	740
Feb. 16	29	Nebraska Retirement Systems Committee priority bill	1004
Feb. 21	30	Placed on General File - Com am #2037	1013
Mar. 2	38	Committee amendment #2037 adopted. Advanced for Review	1281
Mar. 13	45	Placed on Select File - AM5373	1568
Mar. 15	47	AM5373 (E and R) adopted. Advanced for Engrossment	1650
Mar. 23	51	Correctly Engrossed	1839
Apr. 5	59	Final Reading w/E 43-0-6	2315
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 1020. By Wesely, V. Johnson, DeCamp

Jan. 17	9	Read first time	439
Jan. 19	11	Referred to Committee on Government, Military and Veterans Affairs	491
Jan. 24	14	Notice of hearing (2-16)	567

Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1021. By Newell

Jan.	17	9	Read first time	439
Jan.	19	11	Referred to Committee on Revenue	491
Jan.	24	14	Notice of hearing (2-22)	567
Mar.	5	39	Indefinitely postponed	1344

LEGISLATIVE BILL 1022. By Newell

Jan.	17	9	Read first time	439
Jan.	19	11	Referred to Committee on Urban Affairs	492
Jan.	24	14	Notice of hearing (2-1)	566
Feb.	13	26	Indefinitely postponed	898

LEGISLATIVE BILL 1023. By Withem

Jan.	17	9	Read first time	439
Jan.	19	11	Referred to Committee on Urban Affairs	492
Jan.	24	14	Notice of hearing (2-1)	566
Feb.	13	26	Indefinitely postponed	898

LEGISLATIVE BILL 1024. By Sieck

Jan.	17	9	Read first time	440
Jan.	19	11	Referred to Committee on Government, Military and Veterans Affairs	492
Jan.	24	14	Notice of hearing (2-23)	567
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1025. By Sieck

Jan.	17	9	Read first time	440
Jan.	19	11	Referred to Committee on Government, Military and Veterans Affairs	492
Jan.	24	14	Notice of hearing (2-23)	567
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1026. By DeCamp

Jan.	17	9	Read first time	440
Jan.	19	11	Referred to Committee on Special Commonwealth	492
Jan.	26	16	Notice of hearing (2-9)	611
Feb.	16	29	Special Commonwealth Committee	

			priority bill	1004
Feb.	28	35	Placed on General File - Com am #2146	1170
Mar.	1	37	Committee amendment #2146 adopted as amended by DeCamp and Beutler amendments. Advanced for Review. Expedited	1220
Mar.	1	37	Placed on Select File - AM5322	1240
Mar.	2	38	AM5322 (E and R) adopted. Advanced for Engrossment	1267
Mar.	2	38	Correctly Engrossed	1279
Mar.	7	41	Eret motion to return to Select File lost. Chambers motion to recommit to committee lost. Final Reading w/E 41-2-6	1402
Mar.	7	41	Speaker signed	1406
Mar.	7	41	Presented to Governor	1428
Mar.	8	42	Approved by Governor (3-7)	1430

LEGISLATIVE BILL 1027. By DeCamp

Jan.	17	9	Read first time	440
Jan.	19	11	Referred to Committee on Special Commonwealth	492
Jan.	26	16	Notice of hearing (2-9)	611
Feb.	21	30	Nichol priority bill	1036
Mar.	13	45	Placed on General File - Com am #2418	1577
Mar.	22	50	DeCamp amendment #2590 printed	1803
Mar.	26	52	DeCamp amendment lost. Committee amendment #2418 adopted. DeCamp motion to suspend rules lost	1872
Mar.	26	52	DeCamp-H. Peterson amendment (1) adopted, (2) withdrawn. DeCamp amendment lost. Advanced for Review	1883
Mar.	28	54	Placed on Select File - AM5420	1991
Mar.	30	56	AM5420 (E and R) adopted. Haberman motion to indefinitely postpone laid over	2161
Apr.	3	58	Haberman pending motion to indefinitely postpone withdrawn. Failed to advance for Engrossment	2266
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1028. By DeCamp

Jan.	17	9	Read first time	440
Jan.	19	11	Referred to Committee on Special Commonwealth	492
Jan.	26	16	Notice of hearing (2-7)	611

Feb.	13	26	Placed on General File - Com am #1974	898
Feb.	13	26	DeCamp amendment #1990 to committee amendment printed	911
Feb.	13	26	V. Johnson amendment #1985 to committee amendment printed	916
Feb.	14	27	DeCamp pending amendment #1990 withdrawn. V. Johnson pending amendment #1985 to committee amendment adopted. DeCamp reoffered amendment #1990 lost	931
Feb.	14	27	Committee amendment #1974 adopted as amended. Advanced for Review	949
Feb.	14	27	Expedited	953
Feb.	15	28	Placed on Select File - AM5269	958
Feb.	16	29	AM5269 (E and R) adopted. Advanced for Engrossment	994
Feb.	16	29	Correctly Engrossed	1001
Feb.	23	32	Nichol motion to return to Select File withdrawn	1095
Feb.	23	32	Final Reading w/E 47-0-2	1096
Feb.	23	32	President signed	1100
Feb.	23	32	Presented to Governor	1103
Feb.	24	33	Sieck explanation of vote	1110
Feb.	24	33	Approved by Governor (2-24)	1114

LEGISLATIVE BILL 1029. By Beutler

Jan.	17	9	Read first time	440
Jan.	19	11	Referred to Committee on Education	492
Jan.	26	16	Notice of hearing (2-27)	612
Feb.	29	36	Placed on General File	1202
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1030. By Newell

Jan.	17	9	Read first time	441
Jan.	19	11	Referred to Committee on Education	492
Jan.	26	16	Notice of hearing (2-14)	612
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1031. By Schmit, Warner

Jan.	17	9	Read first time	441
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	492
Jan.	23	13	Notice of hearing (1-31)	547
Feb.	13	26	Indefinitely postponed	895

LEGISLATIVE BILL 1032. By Schmit

Jan. 17	9	Read first time	441
Jan. 19	11	Referred to Committee on Public Works	492
Jan. 24	14	Notice of hearing (2-1)	557
Feb. 13	26	Placed on General File	911
Feb. 15	28	Advanced for Review	964
Feb. 22	31	Placed on Select File - AM5290	1060
Feb. 24	33	AM5290 (E and R) adopted. Advanced for Engrossment	1127
Mar. 5	39	Correctly Engrossed	1286
Mar. 9	43	Final Reading 45-0-4	1475
Mar. 9	43	Speaker signed	1478
Mar. 9	43	Presented to Governor	1490
Mar. 15	47	Approved by Governor (3-15)	1651

LEGISLATIVE BILL 1033. By Schmit, Wagner

Jan. 17	9	Read first time	441
Jan. 19	11	Referred to Committee on Public Works	492
Jan. 24	14	Notice of hearing (2-3)	557
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1034. By Pappas, Vickers, Morehead, R. Johnson, Eret, Wagner, Haberman

Jan. 17	9	Read first time	441
Jan. 19	11	Referred to Committee on Appropriations	492
Feb. 1	18	Notice of hearing (2-13)	698
Mar. 13	45	Placed on General File - Com am #2453	1592
Mar. 14	46	Committee amendment #2453 adopted. Advanced for Review	1613
Mar. 20	48	Placed on Select File - AM5396	1701
Mar. 22	50	AM5396 (E and R) adopted. Pappas amendment lost. Warner motion to suspend rules prevailed. Warner-V. Johnson amendment adopted. Vickers amendment #2527 to committee amendment lost. Advanced for Engrossment	1786
Mar. 22	50	Correctly Engrossed. ER0211 change	1798
Mar. 27	53	Labedz motion to return to Select File - amendment ruled not germane. Labedz motion to suspend rules lost. Final Reading w/E 44-0-5	1907
Mar. 27	53	Speaker signed	1911
Mar. 27	53	Presented to Governor	1916

Mar. 28	54	Approved by Governor (3-28)	1950

LEGISLATIVE BILL 1035. By Abboud

Jan. 17	9	Read first time	441
Jan. 19	11	Referred to Committee on Education	492
Jan. 26	16	Notice of hearing (2-7)	612
Feb. 24	33	Indefinitely postponed	1135

LEGISLATIVE BILL 1036. By Abboud

Jan. 17	9	Read first time	442
Jan. 19	11	Referred to Committee on Education	492
Jan. 26	16	Notice of hearing (2-7)	612
Feb. 24	33	Indefinitely postponed	1135

LEGISLATIVE BILL 1037. By Abboud

Jan. 17	9	Read first time	442
Jan. 19	11	Referred to Committee on Revenue	492
Jan. 24	14	Notice of hearing (2-27)	568
Mar. 5	39	Indefinitely postponed	1344

LEGISLATIVE BILL 1038. By Chronister

Jan. 17	9	Read first time	453
Jan. 19	11	Referred to Committee on Judiciary	492
Jan. 20	12	Notice of hearing (2-1)	527
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1039. By Banking, Commerce and Insurance Committee

Jan. 17	9	Read first time	453
Jan. 19	11	Referred to Committee on Special Commonwealth	492
Jan. 24	14	Notice of hearing (1-31)	566
Jan. 25	15	V. Johnson amendment #1765 printed	580
Feb. 3	20	Placed on General File - Com am #1880	767
Feb. 7	22	Labedz-V. Johnson amendment #1902 to committee amendment printed	827
Feb. 8	23	Committee amendment #1880 adopted as amended by Labedz-V. Johnson pending amendment #1902. V. Johnson pending amendment #1765 p. 580 withdrawn. Advanced for Review	831

Feb. 13	26	Placed on Select File - AM5252	906
Feb. 15	28	Clark amendment to committee amendment printed	980
Feb. 21	30	AM5252 (E and R) adopted. Clark pending amendment p. 980 adopted. Beutler amendment adopted	1029
Mar. 6	40	Chambers amendment lost. V. Johnson amendment adopted. Advanced for Engrossment	1352
Mar. 14	46	Correctly Engrossed	1628
Mar. 14	46	ER0190 change	1629
Mar. 15	47	Vickers amendment #2464 printed	1659
Mar. 21	49	Vickers motion to return to Select File - amendment ruled not germane. Final Reading w/E 42-3-4	1756
Mar. 21	49	Speaker signed	1761
Mar. 22	50	Presented to Governor	1771
Mar. 27	53	Approved by Governor (3-27)	1938

LEGISLATIVE BILL 1040. By Schmit

Jan. 17	9	Read first time	453
Jan. 19	11	Referred to Committee on Public Works	492
Jan. 24	14	Notice of hearing (2-8)	560
Feb. 21	30	Placed on General File - Com am #2003	1033
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1041. By V. Johnson, Wesely

Jan. 17	9	Read first time	453
Jan. 19	11	Referred to Committee on Public Health and Welfare	492
Jan. 26	16	Notice of hearing (2-7)	621
Feb. 15	28	Indefinitely postponed	980

LEGISLATIVE BILL 1042. By Pappas

Jan. 17	9	Read first time	453
Jan. 19	11	Referred to Committee on Agriculture and Environment	492
Jan. 26	16	Notice of hearing (2-2)	587
Feb. 23	32	Placed on General File - Com am #2081	1103
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1043. By Wagner

Jan. 17	9	Read first time	454
Jan. 19	11	Referred to Committee on Education	492
Feb. 1	18	Wagner motion to withdraw laid over	671
Feb. 2	19	Wagner pending motion prevailed. Withdrawn	714

LEGISLATIVE BILL 1044. By Wagner

Jan. 17	9	Read first time	454
Jan. 19	11	Referred to Committee on Education	492
Feb. 1	18	Wagner motion to withdraw laid over	671
Feb. 2	19	Wagner pending motion prevailed. Withdrawn	715

LEGISLATIVE BILL 1045. By Beutler

Jan. 17	9	Read first time	454
Jan. 19	11	Referred to Committee on Judiciary	492
Jan. 20	12	Notice of hearing (2-1)	527
Feb. 14	27	Placed on General File	943
Feb. 24	33	Advanced for Review	1111
Feb. 27	34	Placed on Select File	1142
Mar. 2	38	Advanced for Engrossment	1268
Mar. 9	43	Correctly Engrossed	1504
Mar. 14	46	Final Reading 45-0-4	1610
Mar. 14	46	Speaker signed	1611
Mar. 14	46	Presented to Governor	1622
Mar. 20	48	Approved by Governor (3-19)	1667

LEGISLATIVE BILL 1046. By Beutler

Jan. 17	9	Read first time	454
Jan. 19	11	Referred to Committee on Judiciary	492
Jan. 31	17	Notice of hearing (2-13)	636
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1047. By Wesely

Jan. 17	9	Read first time	454
Jan. 19	11	Referred to Committee on Public Health and Welfare	492
Feb. 2	19	Notice of hearing (2-27)	729
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1048. By Pirsch

Jan. 17	9	Read first time	454
Jan. 19	11	Referred to Committee on Judiciary	492
Jan. 31	17	Notice of hearing (2-15)	636
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1049. By Pappas, Eret, Sieck

Jan. 17	9	Read first time	454
Jan. 19	11	Referred to Committee on Banking, Commerce and Insurance	492
Jan. 23	13	Notice of hearing (1-31)	547
Feb. 6	21	Indefinitely postponed	774

LEGISLATIVE BILL 1050. By Hoagland

Jan. 17	9	Read first time	455
Jan. 19	11	Referred to Committee on Judiciary	492
Jan. 31	17	Notice of hearing (2-13)	636
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1051. By Goodrich

Jan. 17	9	Read first time	455
Jan. 19	11	Referred to Committee on Education	492
Jan. 26	16	Notice of hearing (2-21)	612
Mar. 2	38	Placed on General File - Com am #2182	1260
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1052. By Goodrich

Jan. 17	9	Read first time	455
Jan. 19	11	Referred to Committee on Banking, Commerce and Insurance	492
Jan. 23	13	Notice of hearing (1-31)	547
Jan. 31	17	Labedz name added	637
Feb. 13	26	Indefinitely postponed	895

LEGISLATIVE BILL 1053. By Abboud

Jan. 17	9	Read first time	455
Jan. 19	11	Referred to Committee on Public Works	492
Jan. 24	14	Notice of hearing (2-9)	560
Feb. 28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 1054. By Abboud

Jan. 17	9	Read first time	455
Jan. 19	11	Referred to Committee on Public Works	492
Jan. 24	14	Notice of hearing (2-9)	560
Feb. 28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 1055. By Abboud

Jan. 17	9	Read first time	456
Jan. 19	11	Referred to Committee on Public Works	492
Jan. 24	14	Notice of hearing (2-9)	560
Feb. 28	35	Indefinitely postponed	1163

LEGISLATIVE BILL 1056. By H. Peterson, L. Johnson, Kahle, Kilgarin, Morehead, Warner, Goodrich

Jan. 17	9	Read first time	456
Jan. 19	11	Referred to Committee on Appropriations	492
Jan. 26	16	Notice of hearing (2-7)	623
Feb. 10	25	Placed on General File	863
Feb. 15	28	Wagner name added. Advanced for Review	962
Feb. 21	30	Placed on Select File - AM5278	1006
Feb. 24	33	AM5278 (E and R) adopted. Advanced for Engrossment	1127
Mar. 5	39	Correctly Engrossed	1286
Mar. 6	40	Haberman amendment #2223 printed	1351
Mar. 30	56	Haberman pending amendment #2223 withdrawn. Final Reading 35-8-6	2158
Mar. 30	56	Speaker signed	2161
Apr. 2	57	Presented to Governor	2165
Apr. 9	60	Returned by Governor without approval	2390
Apr. 9	60	H. Peterson-L. Johnson motion to override veto lost 28-20-1	2449

LEGISLATIVE BILL 1056A. By H. Peterson

Feb. 15	28	Read first time. Placed on General File	962
Feb. 23	32	Advanced for Review	1085
Feb. 27	34	Placed on Select File	1138
Mar. 2	38	Advanced for Engrossment	1268
Mar. 9	43	Correctly Engrossed	1504
Mar. 30	56	Final Reading 37-5-7	2159
Mar. 30	56	Speaker signed	2161
Apr. 2	57	Correction. Presented to Governor	2165
Apr. 9	60	Returned by Governor without approval	2390

LEGISLATIVE BILL 1057. By Hoagland, Vickers

Jan. 17	9	Read first time	456
Jan. 19	11	Referred to Committee on Education	492
Jan. 26	16	Notice of hearing (2-14)	612
Feb. 21	30	Placed on General File - Com am #2052	1031
Mar. 2	38	Committee amendment #2052 adopted. Advanced for Review	1284
Mar. 13	45	Placed on Select File - AM5363	1573
Mar. 20	48	Newell amendment #2358 to committee amendment printed	1672
Mar. 26	52	Hoagland-Vickers amendment #2616 printed	1864
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1058. By Hefner, Carsten, Remmers, Von Minden, Kilgarin, Higgins, Newell, Goll

Jan. 17	9	Read first time	456
Jan. 19	11	Referred to Committee on Agriculture and Environment	492
Jan. 26	16	Notice of hearing (2-2)	587
Feb. 15	28	Placed on General File - Com am #2001	967
Mar. 2	38	Abboud name added	1273
Mar. 2	38	Committee amendment #2001 lost. Advanced for Review	1280
Mar. 12	44	Placed on Select File	1537
Mar. 30	56	Advanced for Engrossment	2162
Apr. 2	57	Correctly Engrossed	2188
Apr. 5	59	Final Reading 45-0-4	2381
Apr. 5	59	Speaker signed	2385
Apr. 9	60	Presented to Governor	2388
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 1059. By Hefner, Carsten, Remmers, Von Minden, Goll, Newell, Higgins, Kilgarin

Jan. 17	9	Read first time	456
Jan. 19	11	Referred to Committee on Agriculture and Environment	492
Jan. 26	16	Notice of hearing (2-2)	587
Feb. 15	28	Placed on General File	970
Feb. 24	33	Advanced for Review	1111
Feb. 27	34	Placed on Select File	1142
Mar. 2	38	Advanced for Engrossment	1268
Mar. 2	38	Abboud name added	1273
Mar. 9	43	Correctly Engrossed	1504

Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading w/E 45-0-4	2382
Apr. 5	59	Speaker signed	2385
Apr. 9	60	Presented to Governor	2388
Apr. 9	60	Returned by Governor without approval	2422

LEGISLATIVE BILL 1060. By Haberman

Jan. 18	10	Read first time	464
Jan. 19	11	Referred to Committee on Public Works	492
Jan. 24	14	Notice of hearing (2-15)	560
Feb. 21	30	Nichol priority bill	1036
Feb. 29	36	Placed on General File - Com am #2154	1193
Mar. 26	52	Committee amendment #2154 adopted. Advanced for Review	1889
Mar. 29	55	Placed on Select File - AM5421	2006
Mar. 30	56	AM5421 (E and R) adopted. Advanced for Engrossment	2163
Apr. 2	57	Correctly Engrossed	2188
Apr. 2	57	Haberman amendment #2712 printed	2199
Apr. 3	58	Returned to Select File for Haberman amendment. Haberman pending amendment #2712 p. 2199 adopted. Advanced for Re-Engrossment	2244
Apr. 3	58	Correctly Re-Engrossed	2271
Apr. 9	60	Final Reading w/E 45-0-4	2434
Apr. 9	60	Speaker signed	2442
Apr. 9	60	Presented to Governor	2448
Apr. 18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 1061. By DeCamp

Jan. 18	10	Read first time	465
Jan. 19	11	Referred to Committee on Miscellaneous Subjects	492
Jan. 24	14	Notice of hearing (2-9)	559
Feb. 10	25	Indefinitely postponed	872

LEGISLATIVE BILL 1062. By Goodrich

Jan. 18	10	Read first time	465
Jan. 19	11	Referred to Committee on Revenue	492
Jan. 24	14	Notice of hearing (2-27)	568
Mar. 6	40	Indefinitely postponed	1382

LEGISLATIVE BILL 1063. By Fenger

Jan.	18	10	Read first time	465
Jan.	19	11	Referred to Committee on Public Health and Welfare	492
Feb.	2	19	Notice of hearing (2-13)	729
Feb.	22	31	Indefinitely postponed	1069

LEGISLATIVE BILL 1064. By Chronister, H. Peterson, Jacobson

Jan.	18	10	Read first time	465
Jan.	19	11	Referred to Committee on Agriculture and Environment	492
Jan.	26	16	Notice of hearing (2-9)	587
Feb.	15	28	Placed on General File	970
Feb.	16	29	Chronister priority bill	1002
Feb.	24	33	Advanced for Review	1111
Feb.	27	34	Placed on Select File - AM5303	1142
Mar.	7	41	Chronister-Beutler amendment printed	1392
Mar.	9	43	Correction	1466
Mar.	9	43	AM5303 (E and R) adopted. Chronister-Beutler pending amendment p. 1392 withdrawn. Chronister-Beutler amendment adopted. Vickers amendment to Chronister-Beutler amendment withdrawn. Advanced for Engrossment	1477
Mar.	20	48	Correctly Engrossed	1678
Mar.	20	48	ER0201 change	1680
Apr.	2	57	Lamb motion to return to Select File pending	2203
Apr.	2	57	Returned to Select File for Lamb amendment. Lamb pending amendment #2715 p. 2203 adopted. Advanced for Re-Engrossment	2205
Apr.	3	58	Correctly Re-Engrossed	2236
Apr.	3	58	ER0248 change	2237
Apr.	9	60	Final Reading 41-3-5	2434
Apr.	9	60	Speaker signed	2442
Apr.	9	60	Presented to Governor	2448
Apr.	18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 1065. By R. Johnson

Jan.	18	10	Read first time	465
Jan.	19	11	Referred to Committee on Education	492
Jan.	26	16	Notice of hearing (2-7)	611

Feb. 21 30 Placed on General File - Com am #2043 1032
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 1065A. By R. Johnson

Feb. 27 34 Read first time. Placed on General File 1155
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 1066. By Pappas

Jan. 18 10 Read first time 465
Jan. 19 11 Referred to Committee on Banking,
Commerce and Insurance....................493
Jan. 23 13 Notice of hearing (2-6) 547
Feb. 13 26 Indefinitely postponed 895

LEGISLATIVE BILL 1067. By Beutler, Von Minden, Pirsch, R. Johnson, Chronister

Jan. 18 10 Read first time 466
Jan. 19 11 Referred to Committee on Judiciary.............493
Jan. 31 17 Notice of hearing (2-29) 637
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 1068. By DeCamp

Jan. 18 10 Read first time 466
Jan. 19 11 Referred to Committee on Banking,
Commerce and Insurance....................493
Jan. 23 13 Notice of hearing (2-6) 547
Feb. 13 26 Indefinitely postponed 895

LEGISLATIVE BILL 1069. By DeCamp

Jan. 18 10 Read first time 466
Jan. 19 11 Referred to Committee on Banking,
Commerce and Insurance....................493
Jan. 23 13 Notice of hearing (1-31) 547
Feb. 13 26 Indefinitely postponed 895

LEGISLATIVE BILL 1070. By Schmit

Jan. 18 10 Read first time 466
Jan. 19 11 Referred to Committee on Judiciary.............493
Jan. 31 17 Notice of hearing (2-21) 636
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE BILL 1071. By Schmit

Jan. 18	10	Read first time	466
Jan. 19	11	Referred to Committee on Public Works	493
Jan. 24	14	Notice of hearing (2-3)	557
Feb. 16	29	Placed on General File	988
Feb. 24	33	Advanced for Review	1111
Feb. 28	35	Placed on Select File - AM5307	1178
Mar. 2	38	AM5307 (E and R) adopted. Advanced for Engrossment	1269
Mar. 9	43	Correctly Engrossed	1504
Mar. 14	46	Final Reading 45-0-4	1610
Mar. 14	46	Speaker signed	1611
Mar. 14	46	Presented to Governor	1622
Mar. 20	48	Approved by Governor (3-19)	1667

LEGISLATIVE BILL 1072. By DeCamp

Jan. 18	10	Read first time	466
Jan. 19	11	Referred to Committee on Judiciary	493
Jan. 31	17	Notice of hearing (2-15)	636
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1073. By Higgins

Jan. 18	10	Read first time	467
Jan. 19	11	Referred to Committee on Revenue	493
Jan. 24	14	Notice of hearing (2-22)	567
Mar. 8	42	Indefinitely postponed	1450

LEGISLATIVE BILL 1074. By Higgins

Jan. 18	10	Read first time	467
Jan. 19	11	Referred to Committee on Education	493
Jan. 26	16	Notice of hearing (2-28)	612
Mar. 2	38	Indefinitely postponed	1260

LEGISLATIVE BILL 1075. By Beutler

Jan. 18	10	Read first time	467
Jan. 19	11	Referred to Committee on Miscellaneous Subjects	493
Jan. 24	14	Notice of hearing (2-23)	560
Feb. 8	23	Notice of hearing (2-16) (reset)	831
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1076. By DeCamp

Jan.	18	10	Read first time	467
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	493
Jan.	23	13	Notice of hearing (1-31)	547
Feb.	6	21	Placed on General File	771
Feb.	16	29	Haberman priority bill	1002
Feb.	29	36	DeCamp amendment #2198 printed	1199
Mar.	2	38	DeCamp pending amendment #2198 adopted. Wesely amendment adopted. Advanced for Review	1265
Mar.	6	40	Placed on Select File - AM5338	1381
Mar.	7	41	DeCamp amendment #2312 printed	1398
Mar.	7	41	Goodrich amendment printed	1427
Mar.	8	42	Goodrich-Wesely amendment #2381 printed	1461
Mar.	9	43	AM5338 (E and R) adopted. DeCamp pending amendment #2312 p. 1398 adopted. Goodrich pending amendment p. 1427 withdrawn. Goodrich-Wesely pending amendment #2381 p. 1461 adopted. Advanced for Engrossment	1490
Mar.	22	50	Correctly Engrossed	1774
Mar.	22	50	ER0200 change	1775
Apr.	2	57	Final Reading 30-11-8	2202
Apr.	2	57	Speaker signed	2205
Apr.	2	57	Presented to Governor	2210
Apr.	3	58	Approved by Governor (4-3)	2242

LEGISLATIVE BILL 1077. By Pappas

Jan.	18	10	Read first time	467
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	493
Jan.	23	13	Notice of hearing (2-6)	547
Feb.	13	26	Indefinitely postponed	895

LEGISLATIVE BILL 1078. By Kahle

Jan.	18	10	Read first time	467
Jan.	19	11	Referred to Committee on Agriculture and Environment	493
Jan.	25	15	Chronister name added	575
Jan.	26	16	Notice of hearing (2-10)	587
Feb.	16	29	Agriculture and Environment Committee priority bill	1003

Feb. 24	33	Placed on General File - Com am #2082	1117
Mar. 20	48	Committee amendment #2082 lost. Haberman amendment #2012 adopted. Advanced for Review	1709
Mar. 26	52	Placed on Select File - AM5405	1880
Mar. 28	54	AM5405 (E and R) adopted. Advanced for Engrossment	2002
Mar. 30	56	Correctly Engrossed	2162
Apr. 5	59	Final Reading w/E 46-0-3	2340
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 1078A. By Kahle

Mar. 26	52	Read first time. Placed on General File	1865
Mar. 28	54	Kahle motion to indefinitely postpone prevailed	1950

LEGISLATIVE BILL 1079. By Barrett

Jan. 18	10	Read first time	468
Jan. 19	11	Referred to Committee on Miscellaneous Subjects	493
Jan. 24	14	Notice of hearing (2-23)	560
Feb. 21	30	Nichol priority bill	1036
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1080. By Administrative Rules and Regulations Review Committee

Jan. 18	10	Read first time	468
Jan. 19	11	Referred to Committee on Administrative Rules and Regulations Review	493
Feb. 1	18	Notice of hearing (2-15)	676
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1081. By Labedz

Jan. 18	10	Read first time	468
Jan. 19	11	Referred to Committee on Constitutional Revision and Recreation	493
Jan. 26	16	Notice of hearing (2-9)	594
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1082. By Scofield

Jan.	18	10	Read first time	468
Jan.	19	11	Referred to Committee on Revenue	493
Jan.	24	14	Notice of hearing (2-22)	567
Mar.	5	39	Placed on General File - Com am #2017	1341
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1083. By Scofield

Jan.	18	10	Read first time	468
Jan.	19	11	Referred to Committee on Agriculture and Environment	493
Jan.	26	16	Notice of hearing (2-10)	587
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1084. By Urban Affairs Committee

Jan.	18	10	Read first time	469
Jan.	19	11	Referred to Committee on Urban Affairs	493
Jan.	24	14	Notice of hearing (2-1)	566
Jan.	31	17	Newell amendment printed	665
Feb.	7	22	Placed on General File - Com am #1883	801
Feb.	21	30	Nichol priority bill	1036
Feb.	23	32	Newell amendment #2056 printed	1103
Mar.	20	48	Committee amendment #1883 adopted. Newell pending amendment p. 665 withdrawn. Advanced for Review	1711
Mar.	28	54	Placed on Select File - AM5411	1942
Apr.	3	58	AM5411 (E and R) adopted. Newell pending amendment #2056 p. 1103 adopted. Newell amendment adopted. Advanced for Engrossment	2282
Apr.	3	58	Correctly Engrossed	2288
Apr.	3	58	ER0263 change	2289
Apr.	9	60	Final Reading w/E 44-2-3	2435
Apr.	9	60	Speaker signed	2442
Apr.	9	60	Presented to Governor	2448
Apr.	18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 1085. By McDonald, Wesely

Jan.	18	10	Read first time	469
Jan.	19	11	Referred to Committee on Government, Military and Veterans Affairs	493
Jan.	24	14	Notice of hearing (2-3)	566

Feb.	7	22	Placed on General File - Com am #1905	814
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1086. By Fenger

Jan.	18	10	Read first time	469
Jan.	19	11	Referred to Committee on Public Health and Welfare	493
Feb.	2	19	Notice of hearing (2-14)	729
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1087. By Wagner

Jan.	18	10	Read first time	469
Jan.	19	11	Referred to Committee on Education	493
Jan.	26	16	Notice of hearing (2-6)	611
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1088. By Wagner

Jan.	18	10	Read first time	469
Jan.	19	11	Referred to Committee on Education	493
Jan.	26	16	Notice of hearing (2-6)	611
Feb.	24	33	Indefinitely postponed	1135

LEGISLATIVE BILL 1089. By Landis

Jan.	18	10	Read first time	469
Jan.	19	11	Referred to Committee on Education	493
Jan.	26	16	Notice of hearing (2-27)	612
Feb.	29	36	Placed on General File	1202
Mar.	2	38	Lamb amendment adopted. Advanced for Review	1262
Mar.	6	40	Placed on Select File - AM5336	1378
Mar.	15	47	AM5336 (E and R) adopted. Advanced for Engrossment. Landis amendments printed	1651
Mar.	26	52	Correctly Engrossed	1862
Apr.	3	58	Returned to Select File for Landis amendment. Landis pending amendment (1) p. 1651 adopted. Advanced for Re-Engrossment. Landis pending amendment (2) p. 1651 withdrawn	2246
Apr.	3	58	Correctly Re-Engrossed	2271
Apr.	3	58	ER0255 change	2272
Apr.	9	60	Final Reading 45-0-4	2436

Apr. 9	60	Speaker signed	2442
Apr. 9	60	Presented to Governor	2448
Apr. 18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 1089A. By Landis

Mar. 6	40	Read first time. Placed on General File	1347
Mar. 12	44	Advanced for Review	1556
Mar. 21	49	Placed on Select File	1740
Apr. 2	57	Advanced for Engrossment	2166
Apr. 2	57	Correctly Engrossed	2210
Apr. 9	60	Final Reading 41-0-8	2437
Apr. 9	60	Speaker signed	2442
Apr. 9	60	Presented to Governor	2448
Apr. 18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 1090. By Chambers

Jan. 18	10	Read first time	470
Jan. 19	11	Referred to Committee on Agriculture and Environment	493
Jan. 25	15	Chambers motion to withdraw laid over	584
Jan. 31	17	Chambers pending motion prevailed. Withdrawn	634

LEGISLATIVE BILL 1091. By Schmit

Jan. 18	10	Read first time	472
Jan. 19	11	Referred to Committee on Judiciary	493
Jan. 31	17	Notice of hearing (2-21)	636
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1092. By Schmit

Jan. 18	10	Read first time	472
Jan. 19	11	Referred to Committee on Constitutional Revision and Recreation	493
Jan. 26	16	Notice of hearing (2-9)	594
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1093. By Newell

Jan. 18	10	Read first time	473
Jan. 19	11	Referred to Committee on Education	493
Jan. 26	16	Notice of hearing (2-7)	612
Feb. 16	29	R. Johnson name added	997

Feb.	16	29	R. Johnson priority bill	1002
Feb.	21	30	Placed on General File - Com am #2042	1032
Mar.	20	48	Newell amendment #2342 to committee amendment printed	1672
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1093A. By Newell

Mar.	8	42	Read first time. Placed on General File	1443
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1094. By McDonald

Jan.	18	10	Read first time	473
Jan.	19	11	Referred to Committee on Nebraska Retirement Systems	493
Feb.	3	20	Notice of hearing (2-10)	740
Feb.	16	29	Indefinitely postponed	991

LEGISLATIVE BILL 1095. By Pirsch

Jan.	18	10	Read first time	473
Jan.	19	11	Referred to Committee on Judiciary	493
Jan.	31	17	Notice of hearing (2-21)	636
Feb.	22	31	Placed on General File	1066
Feb.	24	33	Advanced for Review	1112
Feb.	28	35	Placed on Select File - AM5310	1180
Mar.	2	38	AM5310 (E and R) adopted. Advanced for Engrossment	1269
Mar.	12	44	Correctly Engrossed. ER0182 change	1539
Mar.	21	49	Final Reading 44-1-4	1742
Mar.	21	49	Speaker signed	1761
Mar.	22	50	Presented to Governor	1771
Mar.	27	53	Approved by Governor (3-27)	1938

LEGISLATIVE BILL 1096. By DeCamp

Jan.	18	10	Read first time	473
Jan.	19	11	Referred to Committee on Miscellaneous Subjects	493
Jan.	24	14	Notice of hearing (2-9)	559
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1097. By Schmit

Jan.	18	10	Read first time	473
Jan.	19	11	Referred to Committee on Education	493
Jan.	26	16	Notice of hearing (2-21)	612
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1098. By Schmit

Jan.	18	10	Read first time	473
Jan.	19	11	Referred to Committee on Education	493
Jan.	26	16	Notice of hearing (2-6)	611
Feb.	22	31	Placed on General File	1072
Feb.	24	33	Advanced for Review	1113
Feb.	28	35	Placed on Select File - AM5312	1181
Mar.	2	38	AM5312 (E and R) adopted. Advanced for Engrossment	1269
Mar.	12	44	Correctly Engrossed	1539
Mar.	21	49	Final Reading 45-0-4	1743
Mar.	21	49	Speaker signed	1761
Mar.	22	50	Presented to Governor	1771
Mar.	27	53	Approved by Governor (3-27)	1938

LEGISLATIVE BILL 1099. By Schmit

Jan.	18	10	Read first time	474
Jan.	19	11	Referred to Committee on Business and Labor	493
Jan.	24	14	Notice of hearing (2-15)	566
Feb.	21	30	Indefinitely postponed	1037

LEGISLATIVE BILL 1100. By Schmit

Jan.	18	10	Read first time	476
Jan.	19	11	Referred to Committee on Judiciary	493
Jan.	20	12	Notice of hearing (2-6)	527
Feb.	14	27	Indefinitely postponed	948

LEGISLATIVE BILL 1101. By Schmit

Jan.	18	10	Read first time	476
Jan.	19	11	Referred to Committee on Judiciary	493
Jan.	31	17	Notice of hearing (2-14)	636
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1102. By Schmit

Jan.	18	10	Read first time	476
Jan.	19	11	Referred to Committee on Judiciary	493
Jan.	31	17	Notice of hearing (2-13)	636
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1103. By Abboud

Jan.	18	10	Read first time	477
Jan.	19	11	Referred to Committee on Public Health and Welfare	493
Feb.	2	19	Notice of hearing (2-28)	729
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1104. By Abboud

Jan.	18	10	Read first time	477
Jan.	19	11	Referred to Committee on Public Health and Welfare	493
Feb.	2	19	Notice of hearing (2-28)	730
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1105. By DeCamp

Jan.	18	10	Read first time	477
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	493
Jan.	23	13	Notice of hearing (2-6)	547
Feb.	14	27	Placed on General File	950
Mar.	2	38	Advanced for Review	1257
Mar.	6	40	Placed on Select File - AM5333	1358
Mar.	9	43	AM5333 (E and R) adopted. Advanced for Engrossment	1484
Mar.	20	48	Correctly Engrossed	1695
Mar.	29	55	Lamb motion to return to Select File passed over	2085
Apr.	2	57	Lamb motion to suspend rules prevailed. Returned to Select File for Lamb amendment. Lamb pending amendment #2549 p. 2085 adopted. Advanced for Re-Engrossment	2178
Apr.	3	58	Correctly Re-Engrossed	2230
Apr.	9	60	Final Reading 46-0-3	2438
Apr.	9	60	Speaker signed	2442
Apr.	9	60	Presented to Governor	2448

Apr. 18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 1106. By Schmit at request of Governor

Jan. 18	10	Read first time	477
Jan. 19	11	Referred to Committee on Public Works	493
Jan. 24	14	Notice of hearing (2-2)	557
Feb. 14	27	Notice of hearing (2-23) (rehearing)	937
Feb. 16	29	Public Works Committee priority bill	1003
Mar. 2	38	Placed on General File - Com am #2257	1283
Mar. 8	42	Landis-Schmit amendment #2283 printed	1433
Mar. 9	43	Lamb amendment printed. Lamb amendment #2353 to committee amendment printed	1512
Mar. 9	43	Lamb amendment to committee amendment printed	1513
Mar. 12	44	Message from Governor	1530
Mar. 12	44	Wesely amendment #2406 to committee amendment printed	1549
Mar. 12	44	Sieck-R. Peterson-Remmers-Nichol-Lamb Hefner-Kahle amendment #2384 to committee amendment printed	1557
Mar. 13	45	Schmit-Landis amendment #2432 printed	1561
Mar. 13	45	Beutler amendments #2416 and #2424 to committee amendment printed	1566
Mar. 14	46	Hoagland amendment #2408 to committee amendment printed	1617
Mar. 20	48	Landis-Schmit pending amendment #2283 p. 1433 and Lamb pending amendment p. 1512 to committee amendment adopted. Lamb pending amendment p. 1513 to committee amendment lost.	1670
Mar. 20	48	Lamb pending amendment #2353 p. 1512 withdrawn. Lamb amendment to committee amendment adopted. Sieck et al pending amendment #2384 p. 1557 lost. Schmit-Landis pending amendment #2432 p. 1561 to committee amendment adopted. Beutler pending amendments #2416 and #2424 p. 1566 withdrawn. Landis amendment to amendment #2283 adopted. Committee amendment #2257 adopted as amended. Advanced for Review	1681
Mar. 20	48	Beutler-Landis amendment #2495 printed. Hoagland amendment #2466 to committee amendment printed	1694
Mar. 21	49	Correction	1715

Mar. 22	50	Rupp amendment #2402 to committee amendment printed	1771
Mar. 26	52	Placed on Select File - AM5401	1868
Mar. 28	54	Lamb amendment #2538 to committee amendment printed	1952
Mar. 28	54	AM5401 (E and R) adopted. Rupp pending amendment #2402 p. 1771, Landis-Wesely amendment #2666, and Lamb pending amendment #2538 p. 1952 lost. Landis-Schmit-Wesely amendment #2669 to committee amendment adopted. Beutler pending amendment #2495 p. 1694 withdrawn. Advanced for Engrossment	1999
Mar. 30	56	Correctly Engrossed	2162
Apr. 3	58	Hoagland pending amendments #2466 p. 1694, #2408 p. 1617, and Wesely pending amendment #2406 p. 1549 withdrawn. Rupp motion to return to Select File lost	2248
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading 34-12-3	2343
Apr. 5	59	Ruling of Chair	2344
Apr. 5	59	Speaker signed. Presented to Governor	2385
Apr. 18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 1106A. By Schmit

Mar. 20	48	Read first time. Placed on General File	1692
Mar. 26	52	Advanced for Review	1849
Mar. 28	54	Placed on Select File - AM5416	1959
Mar. 28	54	Schmit amendment printed	1980
Apr. 2	57	AM5416 (E and R) adopted. Schmit pending amendment p. 1980 adopted. Advanced for Engrossment	2166
Apr. 2	57	Correctly Engrossed	2210
Apr. 3	58	ER0245 change	2231
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Ruling of Chair	2344
Apr. 5	59	Beutler motion to return to Select File withdrawn. Failed on Final Reading 29-16-4	2345
Apr. 9	60	Clark motion to reconsider action prevailed. Final Reading 30-14-5	2446
Apr. 9	60	Speaker signed	2454
Apr. 18	AJ	Presented to Governor	2470
Apr. 18	AJ	Approved by Governor with	

			line-item veto (4-12)	2486
Apr.	18	AJ	Communication	2488
Apr.	18	AJ	Message from Secretary of State. Certificate	2494

LEGISLATIVE BILL 1107. By Pappas

Jan.	18	10	Read first time	478
Jan.	19	11	Referred to Committee on Urban Affairs	493
Jan.	24	14	Notice of hearing (2-1)	566
Feb.	2	19	Indefinitely postponed	724

LEGISLATIVE BILL 1108. By Schmit

Jan.	18	10	Read first time	478
Jan.	19	11	Referred to Committee on Public Works	493
Jan.	24	14	Notice of hearing (2-2)	557
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1109. By Schmit

Jan.	18	10	Read first time	478
Jan.	19	11	Referred to Committee on Public Works	493
Jan.	24	14	Notice of hearing (2-2)	557
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1110. By Schmit

Jan.	18	10	Read first time	478
Jan.	19	11	Referred to Committee on Appropriations	494
Feb.	1	18	Notice of hearing (2-9)	697
Mar.	6	40	Placed on General File - Com am #2291	1367
Mar.	13	45	Committee amendment #2291 adopted. Schmit motion to indefinitely postpone prevailed	1583

LEGISLATIVE BILL 1111. By Hoagland, Nichol

Jan.	18	10	Read first time	478
Jan.	19	11	Referred to Committee on Judiciary	494
Jan.	20	12	Notice of hearing (2-6)	527
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1112. By Von Minden

Jan.	18	10	Read first time	479
Jan.	19	11	Referred to Committee on Business and Labor	494
Jan.	24	14	Notice of hearing (2-15)	566
Feb.	21	30	Placed on General File - Com am #2049	1037
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1113. By Hoagland

Jan.	18	10	Read first time	479
Jan.	19	11	Referred to Committee on Judiciary	494
Jan.	31	17	Notice of hearing (2-15)	636
Feb.	21	30	Placed on General File	1042
Feb.	24	33	Advanced for Review	1112
Feb.	28	35	Placed on Select File - AM5309	1180
Mar.	1	37	Lamb amendment #2246 printed	1251
Mar.	7	41	Lamb amendment #2356 printed	1425
Mar.	29	55	AM5309 (E and R) adopted. Lamb pending amendments #2246 p. 1251 and #2356 p. 1425 withdrawn. Advanced for Engrossment	2091
Apr.	2	57	Correctly Engrossed	2174
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 46-0-3	2382
Apr.	5	59	Speaker signed	2385
Apr.	9	60	Presented to Governor	2388
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 1114. By Hoagland

Jan.	18	10	Read first time	479
Jan.	19	11	Referred to Committee on Judiciary	494
Jan.	31	17	Notice of hearing (2-15)	636
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1115. By Nichol, Hoagland

Jan.	18	10	Read first time	479
Jan.	19	11	Referred to Committee on Judiciary	494
Jan.	20	12	Notice of hearing (2-6)	527
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1116. By Higgins

Jan.	18	10	Read first time	479
Jan.	19	11	Referred to Committee on Judiciary	494
Jan.	31	17	Notice of hearing (2-21)	636
Feb.	7	22	Higgins motion to withdraw laid over	801
Feb.	8	23	Higgins pending motion prevailed. Withdrawn	830
Feb.	8	23	Notice of hearing (cancelled)	839

LEGISLATIVE BILL 1117. By Kilgarin, DeCamp, V. Johnson, Harris, Nichol, H. Peterson, Hannibal, Wagner, McDonald, Chronister, Goodrich, Pappas

Jan.	18	10	Read first time	480
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	494
Jan.	20	12	Rupp name added	513
Jan.	23	13	Notice of hearing (2-6)	547
Feb.	14	27	Wagner amendment #1991 printed	933
Feb.	14	27	Placed on General File - Com am #1983	952
Feb.	15	28	Banking, Commerce and Insurance Committee priority bill	958
Mar.	2	38	Newell name added	1264
Mar.	2	38	Hefner name added	1266
Mar.	2	38	Committee amendment #1983 adopted. Wagner pending amendment #1991 p. 933 adopted. Beutler amendment pending	1277
Mar.	20	48	Beutler pending amendment p. 1277 withdrawn. Hannibal and Beutler amendments adopted. Advanced for Review	1696
Mar.	26	52	Placed on Select File - AM5403	1870
Mar.	27	53	Hannibal amendment printed	1918
Mar.	29	55	AM5403 (E and R) adopted. Hannibal pending amendment p. 1918 adopted. Warner amendment #2661 (1) and (2) adopted. Pappas amendment adopted. Advanced for Engrossment	2019
Mar.	30	56	Correction	2093
Apr.	2	57	Correctly Engrossed	2174
Apr.	2	57	ER0235 change	2175
Apr.	5	59	Nichol motion to suspend rules prevailed	2343
Apr.	5	59	Final Reading 29-15-5	2383
Apr.	5	59	Speaker signed	2385
Apr.	9	60	Presented to Governor	2388
Apr.	18	AJ	Approved by Governor (4-10)	2480

LEGISLATIVE BILL 1118. By Harris

Jan.	18	10	Read first time	480
Jan.	19	11	Referred to Committee on Nebraska Retirement Systems	494
Feb.	3	20	Notice of hearing (2-14)	740
Feb.	21	30	Placed on General File - Com am #2038	1014
Mar.	2	38	Committee amendment #2038 adopted. Failed to advance for Review	1281
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1119. By Newell

Jan.	18	10	Read first time	480
Jan.	19	11	Referred to Committee on Urban Affairs	494
Jan.	24	14	Notice of hearing (2-1)	566
Feb.	2	19	Placed on General File	724
Feb.	10	25	Advanced for Review	871
Feb.	15	28	Placed on Select File - AM5263	957
Feb.	24	33	AM5263 (E and R) adopted. Advanced for Engrossment	1124
Mar.	2	38	Correctly Engrossed	1274
Mar.	2	38	ER0177 change	1275
Mar.	7	41	Final Reading 42-0-7	1423
Mar.	7	41	President signed	1424
Mar.	8	42	Presented to Governor	1430
Mar.	12	44	Approved by Governor (3-12)	1559

LEGISLATIVE BILL 1120. By Lundy

Jan.	18	10	Read first time	480
Jan.	19	11	Referred to Committee on Urban Affairs	494
Jan.	24	14	Notice of hearing (2-1)	566
Feb.	9	24	Indefinitely postponed	859

LEGISLATIVE BILL 1121. By Schmit

Jan.	18	10	Read first time	480
Jan.	19	11	Referred to Committee on Judiciary	494
Jan.	31	17	Notice of hearing (2-14)	636
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1122. By Schmit

Jan.	18	10	Read first time	481
Jan.	19	11	Referred to Committee on Judiciary	494

Jan. 31	17	Notice of hearing (2-14)	636
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILL 1123. By V. Johnson, Pappas

Jan. 18	10	Read first time	481
Jan. 19	11	Referred to Committee on Revenue	494
Jan. 24	14	Notice of hearing (2-13)	567
Mar. 5	39	Indefinitely postponed	1344

LEGISLATIVE BILL 1124. By Revenue Committee at request of Governor

Jan. 26	16	Read first time	624
Feb. 2	19	Referred to Committee on Revenue	729
Feb. 2	19	Notice of hearing (2-15)	730
Feb. 21	30	Nichol priority bill	1036
Feb. 24	33	Placed on General File - Com am #2080	1128
Mar. 12	44	Message from Governor	1530
Mar. 23	51	Hefner-DeCamp amendment to committee amendment printed	1835
Mar. 23	51	Wesely amendment #2598 printed	1844
Mar. 26	52	Carsten amendment #2606 to committee amendment printed	1865
Mar. 26	52	Carsten pending amendment #2606 (1) adopted and (2) lost. Committee amendment #2080 adopted as amended. Wesely pending amendment #2598 p. 1844 withdrawn. Hefner motion to return to Revenue Committee withdrawn. Advanced for Review	1889
Mar. 26	52	Newell amendment to amendment #2606 printed	1896
Mar. 29	55	Placed on Select File - AM5423	2029
Apr. 3	58	AM5423 (E and R) adopted. Hefner-DeCamp pending amendment p. 1835 and Newell pending amendment p. 1896 withdrawn. Advanced for Engrossment	2274
Apr. 3	58	Correctly Engrossed	2280
Apr. 9	60	Final Reading 31-17-1	2439
Apr. 9	60	Speaker signed	2442
Apr. 9	60	Presented to Governor	2448
Apr. 18	AJ	Approved by Governor (4-11)	2481

LEGISLATIVE BILL 1125. By Speaker Nichol at request of Governor

Feb. 1	18	Read first time	700
Feb. 2	19	Referred to Committee on Government, Military and Veterans Affairs	729
Feb. 3	20	Labedz name added	768
Feb. 7	22	Notice of hearing (2-23)	826
Mar. 12	44	Message from Governor	1530
Mar. 13	45	Placed on General File - Com am #2407	1561
Mar. 22	50	Committee amendment #2407 adopted. Advanced for Review	1792
Mar. 22	50	Scofield name added	1795
Mar. 27	53	Goll amendment #2642 to committee amendment printed	1929
Mar. 28	54	Placed on Select File - AM5413	1943
Apr. 3	58	AM5413 (E and R) adopted. Goll pending amendment #2642 p. 1929 withdrawn. Goll amendment #2697 adopted. Goll amendment #2641 adopted as amended by Morehead amendment. Goll motion to indefinitely postpone lost. Advanced for Engrossment	2268
Apr. 3	58	Correctly Engrossed	2280
Apr. 9	60	Lamb motion to return to Select File withdrawn. Final Reading 31-16-2	2440
Apr. 9	60	Speaker signed	2443
Apr. 9	60	Presented to Governor	2448
Apr. 18	AJ	Approved by Governor (4-10)	2479

LEGISLATIVE BILL 1125A. By Nichol

Mar. 15	47	Read first time. Placed on General File	1639
Mar. 22	50	Advanced for Review	1792
Mar. 28	54	Placed on Select File	1943
Apr. 3	58	Landis amendment #2679 adopted. DeCamp amendment lost. Advanced for Engrossment	2271
Apr. 3	58	Correctly Engrossed	2280
Apr. 9	60	Final Reading 27-18-4	2441
Apr. 9	60	Speaker signed	2443
Apr. 9	60	Presented to Governor	2448
Apr. 18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 1126. By Speaker Nichol at request of Governor

Feb.	8	23	Read first time	829
Feb.	13	26	Referred to Committee on Appropriations	917
Feb.	16	29	Notice of hearing (2-23)	997
Mar.	6	40	Placed on General File - Com am #2303	1383
Mar.	12	44	Message from Governor	1530
Mar.	13	45	Committee amendment #2303 (1) and (2) adopted. Advanced for Review	1584
Mar.	20	48	Placed on Select File - AM5393	1697
Mar.	21	49	Vickers amendment #2562 to committee amendment printed	1732
Mar.	22	50	AM5393 (E and R) adopted. Morehead-Remmers-Lamb, R. Johnson, Newell-DeCamp amendments and Vickers pending amendment #2562 p. 1732 lost. Warner and Vickers amendments adopted. Advanced for Engrossment	1778
Mar.	22	50	Correctly Engrossed. ER0210 change	1798
Mar.	27	53	DeCamp motion to return to Select File lost. DeCamp motion to return to Select File withdrawn. Final Reading w/E 34-10-5	1909
Mar.	27	53	Speaker signed	1911
Mar.	27	53	Presented to Governor	1916
Apr.	3	58	Approved by Governor with line-item veto (4-2)	2220
Apr.	18	AJ	Communication	2481
Apr.	18	AJ	Message from Secretary of State	2482
Apr.	18	AJ	Certificate	2483

LEGISLATIVE BILL 1127. By Warner at request of Governor

Feb.	14	27	Read first time	953
Feb.	16	29	Notice of hearing (2-27)	999
Feb.	16	29	Referred to Committee on Public Health and Welfare	1000
Feb.	29	36	Placed on General File	1194
Mar.	2	38	V. Johnson amendment printed	1266
Mar.	12	44	Message from Governor	1530
Mar.	13	45	V. Johnson pending amendment p. 1266 considered and lost. Advanced for Review	1582
Mar.	20	48	Placed on Select File - AM5394	1697
Mar.	21	49	V. Johnson amendment #2259 printed	1733
Mar.	22	50	AM5394 (E and R) adopted. V. Johnson	

		pending amendment #2259 p. 1733 withdrawn. V. Johnson amendment #2581 adopted. Advanced for Engrossment	1772
Mar. 22	50	Correctly Engrossed	1798
Mar. 23	51	Wesely and V. Johnson names added	1829
Apr. 3	58	Returned to Select File for Warner amendment. Warner amendment #2599 adopted. Advanced for Re-Engrossment	2244
Apr. 3	58	Correctly Re-Engrossed	2271
Apr. 3	58	ER0254 change	2273
Apr. 9	60	Final Reading w/E 48-0-1	2442
Apr. 9	60	Speaker signed	2443
Apr. 9	60	Presented to Governor	2448
Apr. 18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 1127A. By Warner

Mar. 22	50	Read first time. Placed on General File	1795
Mar. 26	52	Advanced for Review	1850
Mar. 28	54	Placed on Select File	1959
Apr. 2	57	Advanced for Engrossment	2166
Apr. 2	57	Correctly Engrossed	2210
Apr. 9	60	Final Reading 47-0-2. Speaker signed	2443
Apr. 9	60	Presented to Governor	2448
Apr. 18	AJ	Approved by Governor (4-12)	2485

LEGISLATIVE BILL 1128. By Appropriations Committee

Mar. 6	40	Read first time	1384
Mar. 6	40	Warner motion to suspend rules prevailed. Placed on General File	1385
Mar. 9	43	Warner amendment #2386 printed	1508
Mar. 9	43	Warner amendment #2388 printed	1510
Mar. 9	43	Warner amendment #2387 printed	1511
Mar. 12	44	Warner pending amendments #2386 p. 1508 and #2388 p. 1510 adopted	1529
Mar. 12	44	Warner pending amendment #2387 p. 1511 adopted. Advanced for Review	1533
Mar. 12	44	Beyer amendment printed	1543
Mar. 15	47	Placed on Select File - AM5383	1652
Mar. 15	47	Vickers amendment printed	1659
Mar. 20	48	Correction	1663
Mar. 20	48	Warner amendment printed	1678
Mar. 20	48	Landis amendment #2442 printed	1698
Mar. 20	48	Warner amendment #2490 printed	1702
Mar. 20	48	DeCamp-Vickers-McDonald-Fenger-Newell	

		amendment #2472 printed	1706
Mar. 21	49	AM5383 (E and R) adopted. Beyer pending amendment p. 1543 adopted. Vickers pending amendment p. 1659 withdrawn. Warner amendments p. 1678 and #2490 p. 1702 adopted. Landis pending amendment #2442 p. 1698 adopted. DeCamp et al amendment #2472 p. 1706 lost	1720
Mar. 21	49	Haberman amendment #2520 and Newell amendments lost. Warner amendment adopted. Advanced for Engrossment	1729
Mar. 22	50	Correctly Engrossed	1798
Mar. 22	50	ER0206 change	1799
Mar. 27	53	Final Reading w/E (read)	1898
Mar. 27	53	Lamb motion to return to Select File withdrawn. Final Reading w/E 34-7-8	1899
Mar. 27	53	Speaker signed	1911
Mar. 27	53	Presented to Governor	1916
Mar. 27	53	Approved by Governor with line-item vetoes (3-27)	1933
Mar. 28	54	Appropriations Committee veto override recommendation	1991
Mar. 28	54	Warner motion to override veto laid over	1994
Mar. 28	54	Sieck motion to override veto laid over	1995
Mar. 28	54	Kilgarin-Pirsch and Beyer motions to override veto laid over	1996
Mar. 29	55	Warner pending motion p. 1994 to override line-item veto lost 27-22-0	2046
Mar. 29	55	Chronister name added to Sieck pending motion. Sieck-Chronister pending motion p. 1995 to override line-item veto prevailed 44-3-2	2047
Mar. 29	55	Kilgarin-Pirsch pending motion p. 1996 to override line-item veto lost 24-24-1. Beyer pending motion p. 1996 to override line-item veto lost 21-26-2	2066
Mar. 29	55	Hefner-Goll-R. Peterson-Rupp-Labedz motion to override line-item veto prevailed 33-11-5	2067
Mar. 29	55	V. Johnson motion to override line-item veto prevailed 32-16-1	2068
Mar. 29	55	Warner-Vickers motion to override line-item veto prevailed 34-13-2	2069
Mar. 30	56	Warner motion to override line-	

			item veto prevailed 33-8-8. Warner-L. Johnson motion to override line-item veto prevailed 31-11-7	2122
Mar.	30	56	Warner motion to override line-item veto prevailed 31-15-3	2123
Mar.	30	56	Warner motion to override line-item veto prevailed 31-12-6	2125
Mar.	30	56	Warner motion to override line-item veto prevailed 30-17-2	2126
Mar.	30	56	Warner motion to override line-item veto prevailed 30-16-3	2127
Mar.	30	56	Warner-Hefner motion to override line-item veto prevailed 32-2-15	2128
Mar.	30	56	Scofield motion to reconsider action prevailed. Kilgarin-Pirsch reconsidered motion to override line-item veto prevailed 32-12-5	2130
Mar.	30	56	Newell motion to reconsider action lost. Warner motion to suspend rules lost	2137
Apr.	2	57	Lamb motion to reconsider action on Warner motion p. 2137 prevailed. Lamb motion to suspend rules prevailed	2166
Apr.	2	57	Communication and Certificate	2189
Apr.	5	59	Message from Secretary of State	2291
Apr.	5	59	Certificate	2293

LEGISLATIVE BILL 1129. By Appropriations Committee

Mar.	6	40	Read first time	1384
Mar.	6	40	Warner motion to suspend rules prevailed. Placed on General File	1385
Mar.	9	43	Warner amendment #2389 printed	1511
Mar.	12	44	Warner pending amendment #2389 adopted. Newell amendments lost. V. Johnson amendment adopted. Advanced for Review	1533
Mar.	15	47	Placed on Select File - AM5379	1654
Mar.	20	48	DeCamp amendment printed	1691
Mar.	21	49	AM5379 (E and R) adopted. DeCamp pending amendment p. 1691 withdrawn. Advanced for Engrossment	1762
Mar.	22	50	Correctly Engrossed	1798
Mar.	27	53	Final Reading w/E 40-4-5	1901
Mar.	27	53	Speaker signed	1911
Mar.	27	53	Presented to Governor	1916

Mar. 27	53	Approved by Governor with line-item veto (3-27)	1933
Mar. 28	54	Appropriations Committee veto override recommendations	1991
Mar. 28	54	Warner-Scofield motion to override line-item veto laid over	1996
Mar. 30	56	Warner-Scofield pending motion to override line-item veto prevailed 31-8-10	2131
Mar. 30	56	Hefner-R. Peterson-Labedz motion to override line-item veto prevailed 30-14-5	2134
Mar. 30	56	Kahle-Lundy-Kilgarin motion to override line-item veto prevailed 30-13-6	2135
Mar. 30	56	V. Johnson motion to override line-item veto lost 15-26-8	2136
Mar. 30	56	Warner motion to suspend rules lost	2137
Apr. 2	57	Lamb motion to reconsider action on Warner motion p. 2137 prevailed. Lamb motion to suspend rules prevailed	2166
Apr. 2	57	Communication and Certificate	2191
Apr. 3	58	Message from Secretary of State	2259
Apr. 3	58	Certificate	2260

LEGISLATIVE BILL 1130. By Business and Labor Committee

Mar. 8	42	Read first time	1431
Mar. 8	42	Referred to Committee on Business and Labor	1451
Mar. 8	42	Notice of hearing (3-15)	1452
Mar. 21	49	Indefinitely postponed	1739

LEGISLATIVE BILL 1131. By Business and Labor Committee

Mar. 8	42	Read first time	1432
Mar. 8	42	Referred to Committee on Business and Labor	1451
Mar. 8	42	Notice of hearing (3-15)	1452
Mar. 21	49	Placed on General File - Com am #2554	1739
Mar. 27	53	Committee amendment #2554 adopted. Advanced for Review	1940
Mar. 30	56	Placed on Select File	2094
Apr. 2	57	Advanced for Engrossment	2166
Apr. 2	57	Correctly Engrossed	2210
Apr. 5	59	Nichol motion to suspend rules prevailed	2343
Apr. 5	59	Final Reading w/E 44-1-4	2384
Apr. 5	59	Speaker signed	2385

Apr.	9	60	Presented to Governor	2388
Apr.	9	60	Approved by Governor (4-9)	2447

CHRONOLOGY OF CONSTITUTIONAL AMENDMENT RESOLUTIONS

EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION
1984

LEGISLATIVE RESOLUTION 1CA. By Warner

Jan. 4	1	Title	42
Jan. 12	7	Advanced for Review	388
Jan. 20	12	Placed on Select File - AM5204	524
Mar. 28	54	Newell motion to indefinitely postpone prevailed	1997

LEGISLATIVE RESOLUTION 2CA. By Pirsch, Hoagland

Jan. 4	1	Title	42
Jan. 9	4	Pirsch amendment #1600 to committee amendment printed	320
Jan. 10	5	Committee amendment #0892, First Session, p. 1136, adopted as amended by Haberman amendment and Pirsch pending amendment #1600. Advanced for Review.	337
Jan. 16	8	Placed on Select File - AM5195	417
Jan. 18	10	AM5195 (E and R) adopted. Pirsch amendment adopted. Advanced for Engrossment	472
Jan. 24	14	Correctly Engrossed. ER0143 change	562
Feb. 16	29	Pirsch amendment printed	992
Mar. 1	37	Returned to Select File for Pirsch amendment. Pirsch pending amendment p. 992 adopted. Advanced for Re-Engrossment. Chambers motion to return to Select File pending	1208
Mar. 6	40	Correctly Re-Engrossed. ER0180 change	1345
Mar. 9	43	Returned to Select File for Pirsch amendment. Pirsch amendment adopted. Advanced for Re-Engrossment. Kilgarin name added	1476
Mar. 20	48	Correctly Re-Engrossed	1678
Mar. 29	55	Chambers pending amendment p. 1208 withdrawn	2070
Mar. 29	55	Final Reading 38-6-5	2071
Mar. 29	55	Speaker signed	2087
Mar. 30	56	Presented to Governor	2093

Apr. 9 60 Message from Secretary of State 2387

LEGISLATIVE RESOLUTION 3CA. By Hefner

Jan. 4 1 Title 43
Jan. 16 8 V. Johnson amendment #1677 printed 418
Jan. 16 8 Newell-V. Johnson amendment #1676 printed 424
Feb. 14 27 Committee amendment #0673, First Session, p. 937, adopted. Beutler motion to indefinitely postpone laid over 950
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE RESOLUTION 4CA. By Wesely, Beutler

Jan. 4 1 Title 44
Jan. 10 5 Failed to advance for Review 337
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE RESOLUTION 10CA. By Beyer

Jan. 4 1 Title 45
Jan. 12 7 Morehead amendment #1650 adopted 390
Jan. 12 7 Chambers motion to indefinitely postpone prevailed 391

LEGISLATIVE RESOLUTION 12CA. By Goodrich, Labedz, Higgins, Hoagland, Fowler, Beutler, Wesely, R. Johnson, Newell, Barrett, Nichol, Cullan, Rupp, Morehead, Doyle, Carsten, Chronister, Schmit, DeCamp, Eret

Jan. 4 1 Title 46
Jan. 9 4 Committee amendment #0369, First Session, p. 838, adopted 291
Jan. 9 4 Failed to advance for Review 292
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE RESOLUTION 15CA. By Morehead, Labedz

Jan. 4 1 Title 47
Jan. 16 8 Indefinitely postponed 426

LEGISLATIVE RESOLUTION 17CA. By DeCamp

Jan. 4 1 Title 48
Jan. 16 8 Placed on General File 426

Jan. 18 10 DeCamp amendment #1702 printed 474
Mar. 21 49 DeCamp amendment #2529 printed 1716
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE RESOLUTION 18CA. By V. Johnson

Jan. 4 1 Title...49
Jan. 24 14 Placed on General File - Com am #1680 555
Feb. 6 21 V. Johnson amendment #1895 to committee
amendment printed..........................789
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE RESOLUTION 20CA. By Constitutional Revision and Recreation Committee

Jan. 4 1 Title...50
Jan. 9 4 Committee amendment #0804, First
Session, p. 1034, adopted.
Chambers motion to indefinitely
postpone lost. Advanced for Review...........311
Jan. 12 7 Placed on Select File - AM5187 408
Apr. 9 60 Indefinitely postponed 2468

LEGISLATIVE RESOLUTION 223CA. By H. Peterson

Jan. 4 1 Read first time 164
Jan. 4 1 Referred to Executive Board 167
Jan. 5 2 Referred to Committee on Constitutional
Revision and Recreation.....................212
Jan. 5 2 Notice of hearing (1-19) 220
Feb. 10 25 Indefinitely postponed 877

LEGISLATIVE RESOLUTION 224CA. By DeCamp

Jan. 4 1 Read first time 167
Jan. 4 1 Referred to Executive Board 168
Jan. 5 2 Referred to Committee on Constitutional
Revision and Recreation.....................212
Jan. 5 2 Notice of hearing (1-20) 220
Jan. 24 14 Indefinitely postponed 563

LEGISLATIVE RESOLUTION 225CA. By Kilgarin, Pappas, Newell

Jan. 4 1 Read first time 168
Jan. 4 1 Referred to Executive Board 169
Jan. 5 2 Referred to Committee on Constitutional

			Revision and Recreation	212
Jan.	5	2	Notice of hearing (1-19)	220
Feb.	10	25	Kilgarin motion to place on General File laid over	866
Feb.	10	25	Indefinitely postponed	872
Feb.	16	29	Kilgarin pending motion to place on General File lost	987

LEGISLATIVE RESOLUTION 226CA. By V. Johnson office.

Jan.	4	1	Read first time	169
Jan.	4	1	Referred to Executive Board	170
Jan.	5	2	Referred to Committee on Constitutional Revision and Recreation	212
Jan.	5	2	Notice of hearing (1-20)	220
Jan.	24	14	Indefinitely postponed	563

LEGISLATIVE RESOLUTION 227CA. By McDonald

Jan.	4	1	Read first time	170
Jan.	4	1	Referred to Executive Board	171
Jan.	5	2	Referred to Committee on Constitutional Revision and Recreation	212
Jan.	5	2	Notice of hearing (1-19)	220
Jan.	24	14	Placed on General File	563
Feb.	3	20	Chambers amendment adopted. Advanced for Review	762
Feb.	6	21	Placed on Select File - AM5246	786
Mar.	29	55	AM5246 (E and R) adopted. Advanced for Engrossment	2089
Apr.	2	57	Correctly Engrossed	2174
Apr.	5	59	Final Reading 37-6-6	2346
Apr.	5	59	Speaker signed. Presented to Governor	2385
Apr.	18	AJ	Message from Governor	2470

LEGISLATIVE RESOLUTION 228CA. By V. Johnson

Jan.	4	1	Read first time	171
Jan.	4	1	Referred to Executive Board	172
Jan.	5	2	Fenger name added	208
Jan.	5	2	Referred to Committee on Constitutional Revision and Recreation	212
Jan.	5	2	Notice of hearing (1-20)	220
Jan.	24	14	Indefinitely postponed	563
Jan.	25	15	V. Johnson motion to place on General	

			File laid over	584
Feb.	2	19	V. Johnson pending motion lost	715

LEGISLATIVE RESOLUTION 232CA. By Schmit

Jan.	5	2	Read first time	201
Jan.	5	2	Referred to Executive Board	202
Jan.	6	3	Referred to Committee on Constitutional Revision and Recreation	243
Jan.	26	16	Notice of hearing (2-3)	594
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE RESOLUTION 233CA. By Newell, DeCamp

Jan.	5	2	Read first time	217
Jan.	5	2	Referred to Executive Board	219
Jan.	9	4	Referred to Committee on Constitutional Revision and Recreation	302
Jan.	26	16	Notice of hearing (2-3)	594
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE RESOLUTION 234CA. By Newell

Jan.	5	2	Read first time	219
Jan.	5	2	Referred to Executive Board	220
Jan.	9	4	Referred to Committee on Constitutional Revision and Recreation	302
Jan.	18	10	Notice of hearing (1-26)	470
Feb.	13	26	Placed on General File - Com am #1865	903
Mar.	2	38	Committee amendment #1865 adopted. Beutler amendment pending	1276
Apr.	9	60	Indefinitely postponed	2468

LEGISLATIVE RESOLUTION 235CA. By Von Minden, Hefner, Warner, Vickers

Jan.	5	2	Read first time	225
Jan.	5	2	Referred to Executive Board	227
Jan.	9	4	Referred to Committee on Constitutional Revision and Recreation	302
Jan.	26	16	Notice of hearing (2-2)	594
Feb.	16	29	Von Minden priority bill	1003
Feb.	22	31	Placed on General File	1069
Mar.	6	40	Beutler amendment adopted. Advanced for Review	1377
Mar.	7	41	Chambers name added	1393

Mar. 15	47	Placed on Select File - AM5382	1655
Mar. 28	54	AM5382 (E and R) adopted. Beutler amendment #2640 adopted. Advanced for Engrossment	1956
Mar. 30	56	Correctly Engrossed	2139
Mar. 30	56	DeCamp amendment printed	2163
Apr. 2	57	ER0224 change printed	2174
Apr. 5	59	DeCamp pending amendment p. 2163 withdrawn. Wesely motion to return to Select File withdrawn. Final Reading 32-15-2	2328
Apr. 5	59	President signed	2342
Apr. 5	59	Presented to Governor	2356
Apr. 18	AJ	Message from Governor	2470

LEGISLATIVE RESOLUTION 236CA. By Newell

Jan. 5	2	Read first time	230
Jan. 5	2	Referred to Executive Board	231
Jan. 9	4	Referred to Committee on Constitutional Revision and Recreation	302
Jan. 26	16	Notice of hearing (2-2)	594
Feb. 21	30	Indefinitely postponed	1028

LEGISLATIVE RESOLUTION 237CA. By Beutler, V. Johnson

Jan. 6	3	Read first time	281
Jan. 6	3	Referred to Executive Board	283
Jan. 10	5	Referred to Committee on Constitutional Revision and Recreation	348
Jan. 26	16	Notice of hearing (2-2)	594
Feb. 21	30	Indefinitely postponed	1028

LEGISLATIVE RESOLUTION 238CA. By V. Johnson

Jan. 9	4	Read first time	288
Jan. 9	4	Referred to Executive Board	289
Jan. 10	5	Referred to Committee on Constitutional Revision and Recreation	349
Jan. 18	10	Notice of hearing (1-26)	470
Feb. 10	25	Indefinitely postponed	877

LEGISLATIVE RESOLUTION 242CA. By Beutler

Jan. 12	7	Read first time	387
Jan. 12	7	Referred to Executive Board	388

Jan. 17	9	Referred to Committee on Constitutional Revision and Recreation	450
Jan. 26	16	Notice of hearing (2-2)	594
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE RESOLUTION 244CA. By Schmit

Jan. 12	7	Read first time	394
Jan. 12	7	Referred to Executive Board	396
Jan. 17	9	Referred to Committee on Constitutional Revision and Recreation	450
Jan. 26	16	Notice of hearing (2-3)	594
Feb. 16	29	Constitutional Revision and Recreation Committee priority bill	1003
Feb. 21	30	Placed on General File	1028
Mar. 20	48	Warner motion to indefinitely postpone laid over	1709
Mar. 22	50	Warner pending motion to indefinitely postpone lost	1789
Mar. 23	51	Warner and Hoagland amendments lost. Warner amendment adopted. Chambers motion to indefinitely postpone lost. DeCamp motion to reconsider action of Warner amendment prevailed. Warner amendment adopted. Advanced for Review	1829
Mar. 28	54	Placed on Select File - AM5414	1943
Mar. 30	56	AM5414 (E and R) adopted. Failed to advance for Engrossment	2160
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE RESOLUTION 245CA. By Hefner, H. Peterson, Von Minden, Carsten

Jan. 16	8	Read first time	427
Jan. 16	8	Referred to Executive Board	428
Jan. 17	9	Referred to Committee on Constitutional Revision and Recreation	450
Jan. 26	16	Notice of hearing (2-9)	594
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE RESOLUTION 247CA. By Hoagland

Jan. 17	9	Read first time	457
Jan. 17	9	Referred to Executive Board	459
Jan. 19	11	Referred to Committee on Constitutional Revision and Recreation	492

Jan. 26	16	Notice of hearing (2-10)	595
Feb. 21	30	Indefinitely postponed	1029

LEGISLATIVE RESOLUTION 248CA. By Pappas, V. Johnson

Jan. 18	10	Read first time	481
Jan. 18	10	Referred to Executive Board	482
Jan. 19	11	Referred to Committee on Constitutional Revision and Recreation	493
Jan. 26	16	Notice of hearing (2-10)	594
Feb. 21	30	Indefinitely postponed	1029

LEGISLATIVE RESOLUTION 337CA. By R. Peterson, DeCamp, Von Minden, Fenger, Jacobson, Beyer, Clark, Schmit, Haberman, H. Peterson, Pappas, L. Johnson, R. Johnson, Chronister

Mar. 28	54	Read first time	1977
Mar. 28	54	Referred to the Executive Board. DeCamp motion to suspend rules to allow consideration laid over	1979
Mar. 29	55	DeCamp pending motion to suspend rules lost	2038
Mar. 30	56	Correction	2093
Apr. 3	58	Referred to Committees on Constitutional Revision and Recreation and Revenue	2222
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE RESOLUTION 468CA. By DeCamp

Apr. 5	59	Read first time	2323
Apr. 5	59	Referred to the Executive Board	2325
Apr. 9	60	DeCamp amendment to Haberman motion to suspend rules adopted. Division of question sustained. Haberman pending motion to suspend rules withdrawn	2458
Apr. 9	60	DeCamp motion to suspend rules considered. Hoagland's request of ruling of Chair sustained. Hoagland motion to overrule Chair prevailed	2460
Apr. 9	60	Indefinitely postponed	2468

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS

CHRIS ABBOUD

LB	
331*	Change provisions relating to the annexation of school districts.
513	Authorize access to certain public utilities records by municipalities.
560*	Provide a tax credit for businesses which create jobs.
657*	Provide collection of child support from judgment debtor's estate.
711*	Provide organ donor information on driver's license.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
744*	Prohibit use of mechanical lottery devices.
770	Set sales and income tax rates.
836	Establish limitations on political contributions.
862*	Provide taxation methods for cigarette packages containing 20 or more.
902*	Authorize insurance arrangements for health services with preferred providers.
931*	Nebraska Mathematics and Science Teacher Tuition Assistance Act.
966*	Change filing date for petitions to recall elections.
1004	Capital Companies Tax Credit Act.
1035	Require service or payments from Veterinary Science graduates.
1036	Require service or payments from College of Medicine graduates.
1037	Provide business tax credit for on-the-job computer or engineer training.
1053	Gas Utility Act.
1054	Establish uniform procedures for public utilities rate increases.
1055	Citizens Utility Board Act.
1058*	Direct Governor to enter into a Missouri River Barge Traffic Compact.
1059*	Extend time limit for executing the Missouri River Barge Traffic Compact.
1103	Hospital Cost Containment Act.
1104	Require annual fiscal reports by hospitals.

WILLIAM E. BARRETT

LB

500*	Authorize Department of Correctional Services to provide inmate labor.
581*	Eliminate discriminatory factor in salary surveys.
700*	Establish Pay Equity Commission for state employees.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
744*	Prohibit use of mechanical lottery devices.
775	Increase loan repayment time under Nebraska Medical Student Assistance Act.
776*	Allow certain individuals to elect for workmen's compensation coverage.
785*	Provide regulations for pre-paid funeral contracts.
799	Allow a refund for occupation tax by Secretary of State.
800	Defines paid-up corporate capital stock.
801	Issue a single license for insurance agents and brokers.
801A	Appropriation Bill.
802	Allow certain aliens to acquire real estate title.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
988	Change provisions and set up fee for county clerks for performing marriages.
1006*	Allow additional fire officers to collect certain fees.
1016	Increase renewal fees for trade names.
1079	Prohibit consumer rebate plans for liquors.

LR

12CA*	Provide that legislative sessions begin in December.

CHRIS BEUTLER

LB

13*	Transfer municipal courts to county courts.
13A*	Appropriation Bill.
141*	Provide for early transfer of high school students to college.
229	Provide for recovery of certain costs and fees by a library board.
318	Authorize the use of unmarked patrol cars.
422	Change district and county court judicial districts.
426	Emergency powers to Natural Resources Districts to stabilize levels of nitrate-nitrogen in water.
426A	Appropriation Bill.
507	Authorize an additional juvenile court judge in certain

	counties.
507A	Appropriation Bill.
510	Allow the adoption of certain adults.
545*	Water Resources Development Act.
696*	Change provisions of spouse's testimony in criminal case.
719*	Provide issuance of temporary license plate renewal tabs.
787	Change age limit for compulsory education.
845A	Appropriation Bill.
848A	Appropriation Bill.
856	Allow credit card use for court costs and fees.
895*	Change provisions for determining sentences in criminal cases.
926*	Authorize Governor to direct investments to certain financial institutions.
953*	Petroleum Products and Flammable Liquids Storage and Handling Act.
965*	Require certain disclosure information by defendants.
979	Establish falsifying credit union records as a criminal act.
980	Change provision for licensing of seconds at boxing or wrestling matches.
986*	Change provisions for temporary custody and rights of parties in juvenile cases.
1011*	Change provisions requiring reporting and penalties for financial institutions.
1017*	Establish criminal penalties for fraudulent computer use.
1018	Provide removal methods for nonprofit corporation directors.
1029	Change provisions for care and education of handicapped children.
1045	Eliminate provisions pertaining to damage done in a cemetery.
1046	Increase minimum imprisonment sentence for Class II felony.
1067*	Change provisions for crimes against property, motor vehicle use, and terroristic threats.
1075	Allow tasting of alcoholic beverage samples.
LR	
4CA*	Remove Lieutenant Governor as presiding officer of the Legislature.
12CA*	Provide that legislative sessions begin in December.
237CA*	Establish restrictions on legislative salaries and bill introduction.
242CA	Require Auditor of Public Accounts to be a Certified Public Accountant.

EMIL E. BEYER, JR.

LB	
190	Exempt certain lotteries and raffles from awarding mandatory prizes.
331*	Change provisions relating to the annexation of school districts.
559*	Provide for eminent domain powers for coal slurry pipelines.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
LR	
10CA	Permit establishment of a state lottery.
337CA*	Establish separate tax class for farm land and limit tax levy on property.

CALVIN F. CARSTEN

LB	
47*	Provide for a sales tax on services.
117*	Protection of buyers of farm equipment under Uniform Commercial Code.
232*	Change provisions relating to election of natural resource boards.
293*	Allow compensation to landowners for damages from wildlife.
294*	Provide for an additional exemption for hunting and fishing permits.
364	Change provisions for determining income tax rates.
386	Allow a municipality to own or operate a community antenna television service.
597*	Reinstate property tax on personal property.
664*	Require Legislative Fiscal Analyst to perform additional duties.
719*	Provide issuance of temporary license plate renewal tabs.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
833A	Appropriation Bill.
835A	Appropriation Bill.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
1005*	Beginning Farmer Opportunity Act.
1008*	Establish provisions for farm wineries.
1058*	Direct Governor to enter into a Missouri River Barge Traffic Compact.
1059*	Extend time limit for executing the Missouri River Barge

	Traffic Compact.
LR	
12CA*	Provide that legislative sessions begin in December.
245CA*	Establish a limit on revenue collected by state.

ERNIE CHAMBERS

LB	
122*	Public Service Intervenor Act.
123	Provide for hearings and judicial review for penal complex inmates.
202	Eliminate the death penalty.
377	Provide that individuals arrested for Driving While Intoxicated be informed of certain rights.
553	Prohibit the investment of state funds in South Africa.
597*	Reinstate property tax on personal property.
702	Requires payment prior to delivery for fuel.
703	Prohibit private security guards from receiving witness fees.
744*	Prohibit use of mechanical lottery devices.
764	Prohibit the discontinuance of athletic scholarships.
765	Provide workmen's compensation to college athletics.
935	Legalize and provide tax on sport events gambling.
993*	Authorize academic transfer programs at Metropolitan Technical Community College.
1090	Require the labeling of gasohol pumps.
LR	
235CA*	Change provisions and procedures relating to disciplinary actions against judges.

HARRY B. CHRONISTER

LB	
38*	Increase the Veterans' Aid Fund.
226*	Authorization for sale of land to Nebraska Technical Community College.
233*	Provide for restitution to victims of crime.
294*	Provide for an additional exemption for hunting and fishing permits.
394*	Change certain provisions relating to county jails.
525*	Create a Youth Service Commission.
580*	Provide for regulation of weights and measures fees.
590	Change conditions of liability for officers involved in vehicular pursuits.
631*	Industrial Financing Corporation Act.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.

744*	Prohibit use of mechanical lottery devices.
785*	Provide regulations for pre-paid funeral contracts.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
890*	Allocate and distribute Technical Community Colleges funds.
965*	Require certain disclosure information by defendants.
966*	Change filing date for petitions to recall elections.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
986*	Change provisions for temporary custody and rights of parties in juvenile cases.
995*	Change provisions for charging employers for employment security.
1007*	Change provisions for financial responsibility by grain warehouses.
1017*	Establish criminal penalties for fraudulent computer use.
1038	Establish requirements for causes of action against political subdivision employees.
1064*	Provide for first lien on livestock for feed and feeding.
1067*	Change provisions for crimes against property, motor vehicle use, and terroristic threats.
1078*	Change provisions of Environmental Protection Act.
1117*	Small Business Development Authority Act.
LR	
12CA*	Provide that legislative sessions begin in December.
337CA*	Establish separate tax class for farm land and limit tax levy on property.

ROBERT L. CLARK

LB	
297*	Allow signs to be erected within 600 feet of highway rights-of-way.
420	Change provisions relating to liability and hazardous materials.
559*	Provide for eminent domain powers for coal slurry pipelines.
561*	Change provisions relating to the use of pharmaceuticals by optometrists.
662	Change provisions relating to weed control authorities.
681	Modifies allowable interest charges on installment loans.
733*	Change provisions for registration and use of farm vehicles.
785*	Provide regulations for pre-paid funeral contracts.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.

866*	Change provisions for special fuels taxes and registration licenses of farm trucks.
890*	Allocate and distribute Technical Community Colleges funds.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
LR	
337CA*	Establish separate tax class for farm land and limit tax levy on property.

SAMUEL K. CULLAN

LB	
51	Procedures for licensing and regulating athletic trainers.
255*	Appropriate funds to carry out the Scholarship Award Program.
284*	Changes in technical community college academic transfer programs.
297*	Allow signs to be erected within 600 feet of highway rights-of-way.
354	Appropriate funds for the Crawford Fish Hatchery.
355	Include Morrill County in the 16th judicial district.
405	Require an additional filing requirement for certain probate proceedings.
450*	Create a County Peace Officers Retirement System.
514	Develop an area of excellence program for the state colleges.
552*	Provide a deferred annuity for terminated firefighters.
LR	
12CA*	Provide that legislative sessions begin in December.

JOHN W. DECAMP

LB	
122*	Public Service Intervenor Act.
122A	Appropriation Bill.
183*	Require burden of proof for insanity plea be placed on defendant.
226*	Authorization for sale of land to Nebraska Technical Community College.
260	Provide rate exceptions to installment sales contracts.
283*	Authorize access to adoption records.
284*	Changes in technical community college academic transfer programs.
293*	Allow compensation to landowners for damages from wildlife.

294*	Provide for an additional exemption for hunting and fishing permits.
297*	Allow signs to be erected within 600 feet of highway rights-of-way.
336*	State Lottery Act.
336A	Appropriation Bill.
340	Nebraska Foreign Market and Port Development Act.
341*	Provide the source of funds for the School Foundation and Equalization Fund.
342*	Increase the registration fee for foreign cars.
344	Require the issuance of bonds for highway construction.
344A	Appropriation Bill.
348	Increase an excise tax on railroads.
360	Prohibit statements or releases of liability by an injured person.
381*	Change provisions relating to preference for ground water users.
390	Establish provisions for interest on decrees and judgments.
554	Third Party Prescription Program Act.
558	Allow public power districts and municipalities to own cable TV systems.
559*	Provide for eminent domain powers for coal slurry pipelines.
561*	Change provisions relating to the use of pharmaceuticals by optometrists.
582*	Change provisions relating to the deposit of government funds.
586*	Provide for distribution of funds to political subdivisions.
597*	Reinstate property tax on personal property.
631*	Industrial Financing Corporation Act.
668*	Change provisions for administrators and teachers of private schools.
684	Restitution to crime victims and 'good time' employment for prisoners.
685	Provide court-appointed counsel in certain child support cases.
686	Change provisions for cooperative municipal improvements.
687	Require rendering of emergency assistance.
688*	Change provisions for renewal of driver's licenses.
689	Change provisions of probationary and permanent school employees' contract.
690	Change provisions for liability for aircraft guests.
691	Reduces interest rate on delinquent taxes for political subdivisions.

692*	Change provisions to hospital-medical liability.
693	Adopt the Business Trust Act.
694*	Change provisions for driver's license renewal.
694A*	Appropriation Bill.
695*	Change provisions relating to abortion.
698*	Determines formula for calculating nonresident high school tuition.
700*	Establish Pay Equity Commission for state employees.
708	Establish demonstration physician case management programs.
709	Provide a formula for property tax relief.
713	Change provisions for prices on alcoholic beverages.
714	Change duties of liquor manufacturers and importers.
718*	Require Secretary of State to coordinate forms management program.
719*	Provide issuance of temporary license plate renewal tabs.
731	Eliminate tax savings on gasohol.
733*	Change provisions for registration and use of farm vehicles.
736	Change provisions for revolving charge agreements.
754*	Require interest payments for certain escrow accounts.
759*	Uninsured and Underinsured Motorist Coverage Act.
760*	Issue special license plates to former prisoners of war.
771	Establish legislative select committee to study excellence in education.
780	Allow Social Services Department to contract with health care providers.
784*	Provide Grandparent visitation rights.
785*	Provide regulations for pre-paid funeral contracts.
807A	Appropriation Bill.
809*	Establish a Homestead Exemption based on actual value.
810	Include heat pump as tax credit for solar heating devices.
813*	Change provisions on political subdivision budget limits.
814*	Create statewide system of technical community colleges.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
825A	Appropriation Bill.
844	Change provisions for Class I school districts.
861*	Allow Natural Resources Districts to allow use of land for recreational purposes.
864	Establish Big Dome, Train, and Plane Commission.
887	Change provisions for tort claims against state regarding institutions that fail.
899	Establish duties for various financial institutions.
928*	Change provisions pertaining to public and private schools.
929*	Restrict causes of action for birth.

936*	Change provisions for grants by State Energy Office.
954	Modify the Nebraska Investment Finance Authority Act.
998	Authorize real property tax credit for certain educational costs.
1020*	Require Administrative Services Department to purchase recycled paper.
1026	Provide exceptions on limits for entities acquiring failing institutions.
1027	Permit acquisition of failing institutions by domestic or out-of-state.
1028	Nebraska Bank Corporation Act.
1061	Eliminate certain duties of Accountability and Disclosure Commission.
1068	Change provisions relating to branch banks.
1069	Change provisions for out-of-state banks and bank holding companies.
1072	Repeal limit restrictions on filing claims in Small Claims Court.
1076	Eliminate fee limitations on credit cards.
1096	Provide standard of proof for false statements to Political Accountability and Disclosure Commission.
1105	Change provisions pertaining to condominiums.
1117*	Small Business Development Authority Act.

LR

12CA*	Provide that legislative sessions begin in December.
17CA	Establish limitations on property tax.
224CA	Require consolidation of Nebraska counties.
233CA*	Establish separate classes of land and improvements for taxation.
337CA*	Establish separate tax class for farm land and limit tax levy on property.
468CA	Establish separate tax class for farm land and limit tax levy on property.

THOMAS D. DOYLE

LB

331*	Change provisions relating to the annexation of school districts.
381*	Change provisions relating to preference for ground water users.
516*	Change provisions relating to the Board of Examiners for Professional Engineers and Architects.
544*	Create the office of county engineer in certain counties.
578*	Change provisions relating to motor vehicle license plates.

LR	
12CA*	Provide that legislative sessions begin in December.

DON ERET

LB	
55	Require Department of Agriculture to provide a commodity pricing directory service.
445	Allow a tax to be levied for the transportation of school children.
551*	Prohibit sale of certain agricultural commodities below minimum prices.
580*	Provide for regulation of weights and measures fees.
719*	Provide issuance of temporary license plate renewal tabs.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
866*	Change provisions for special fuels taxes and registration licenses of farm trucks.
890*	Allocate and distribute Technical Community Colleges funds.
904*	Allow Social Services Director to contract with certain venders.
956	Change provisions for homestead exemptions.
956A	Appropriation Bill.
957	Change requirements for transferring between school districts.
966*	Change filing date for petitions to recall elections.
1034*	Appropriate additional funds for University's Veterinary Diagnostic Program.
1049*	Require banks to report certain insurance requirements for loans.
LR	
12CA*	Provide that legislative sessions begin in December.

GEORGE FENGER

LB	
152	Exempt replacement parts from public power district bidding requirements.
250	Repeal all provisions relating to group homes.
251	Change various provisions relating to liquor.
251A	Appropriation Bill.
359*	Provisions for metropolitan water and utilities districts' payments to cities.
416A	Appropriation Bill.
418	Ophthalmic Dispensing Act.

418A	Appropriation Bill.
517	Eliminate the cancer registry.
675	Limit the taxing power of the Omaha City Council.
676	Change provisions for various birth and death certificates.
761*	Nebraska Certified Nurse-Midwifery Practice Act.
903A	Appropriation Bill.
908*	Change provisions for platting and annexation of school property.
1063	Utilize community action agencies for community services block grant funds.
1086	Confidentiality of Patient Care Information Act.
LR	
228CA*	Eliminate non-partisan manner for legislators to be elected.
337CA*	Establish separate tax class for farm land and limit tax levy on property.

STEVE FOWLER

LB	
122*	Public Service Intervenor Act.
280*	Provide duties for employers regarding toxic substances.
430*	Provide for a study to extend public radio service.
450*	Create a County Peace Officers Retirement System.
450A	Appropriation Bill.
526A	Appropriation Bill.
552*	Provide a deferred annuity for terminated firefighters.
578*	Change provisions relating to motor vehicle license plates.
582*	Change provisions relating to the deposit of government funds.
597*	Reinstate property tax on personal property.
LR	
12CA*	Provide that legislative sessions begin in December.

JAMES E. GOLL

LB	
226*	Authorization for sale of land to Nebraska Technical Community College.
719*	Provide issuance of temporary license plate renewal tabs.
809*	Establish a Homestead Exemption based on actual value.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
1058*	Direct Governor to enter into a Missouri River Barge Traffic Compact.
1059*	Extend time limit for executing the Missouri River Barge Traffic Compact.

GLENN A. GOODRICH

LB	
49	Change provisions for officers and employees of public power districts.
165	Allow judges to retire after twenty-five years of service.
165A	Appropriation Bill.
255*	Appropriate funds to carry out the Scholarship Award Program.
331*	Change provisions relating to the annexation of school districts.
333	Provide Class V school districts with certain contract powers.
470*	Eliminate sunset provision for the Board of Examiners in Dentistry.
471*	Eliminate the Nebraska Collection Agency Board.
475*	Create Abstracters Advisory Board to the Department of Insurance.
477*	Change sunset provisions for State Board of Landscape Architects.
478*	Eliminate sunset provisions for Board of Examiners for Land Surveyors.
480*	Change powers and duties of the State Real Estate Commission.
481*	Eliminate sunset provisions for the Board of Examiners of Psychologists.
643	Change effective date of state chartered credit unions.
644	Increase membership to the Nebraska Educational Facilities Authority.
669	Prohibit formation of Industrial Loan and Investment companies.
699	Require identification of electricians' motor vehicles.
791	Exempt health clinics from sales taxes.
803*	Change provisions for preparation of proposed juror lists.
814*	Create statewide system of technical community colleges.
908*	Change provisions for platting and annexation of school property.
1006*	Allow additional fire officers to collect certain fees.
1014	Appropriate funds for Peter Nettersheim claims.
1051	Change provisions for investment of school funds.
1052*	Allow depositing of public funds in financial institutions other than banks.
1056*	Include first class cities in state salary survey.
1062	Change provisions for sales tax exemption for manufacturing and processing equipment.

1117*	Small Business Development Authority Act.
LR	
12CA*	Provide that legislative sessions begin in December.

REX HABERMAN

LB	
5	Penalty changes for committing a felony with a deadly weapon.
212*	Reduce county property tax due to transfer of welfare programs to state.
231*	Provide for a short-term commercial license for certain farm trucks.
342*	Increase the registration fee for foreign cars.
580*	Provide for regulation of weights and measures fees.
646	Change distribution of cigarette tax revenue.
647	Change provisions of Natural Resources Districts' board of directors.
654	Provide that certain public power districts pay a tax.
655	Provide lump sum appropriation of cigarette tax revenue.
656	Provide lump sum and change distribution of cigarette tax revenue.
658*	Provide special license plates for the visually and physically handicapped.
688*	Change provisions for renewal of driver's licenses.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
760*	Issue special license plates to former prisoners of war.
762*	Change provisions for issuance of Administrative Rules.
828*	Require Roads Department to tabulate information on accident reports.
866*	Change provisions for special fuels taxes and registration licenses of farm trucks.
867*	Complete construction of Animal Science Complex.
895*	Change provisions for determining sentences in criminal cases.
969	Modify extermination requirements for prairie dogs.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
976	Create agriculture Weed and Insect Books Cash Fund.
976A	Appropriation Bill.
977	Change dates relating to fees for weighing and measuring devices.
990A	Appropriation Bill.
991A	Appropriation Bill.
1003*	Provide income tax credit for flood prevention structures.

1034*	Appropriate additional funds for University's Veterinary Diagnostic Program.
1060	Change provisions for transporting ground water.
LR	
337CA*	Establish separate tax class for farm land and limit tax levy on property.

GARY E. HANNIBAL

LB	
331*	Change provisions relating to the annexation of school districts.
560*	Provide a tax credit for businesses which create jobs.
776*	Allow certain individuals to elect for workmen's compensation coverage.
795	Provide an exemption from Documentary Stamp Act.
796	Exempt oxygen from sales tax.
809*	Establish a Homestead Exemption based on actual value.
813*	Change provisions on political subdivision budget limits.
908*	Change provisions for platting and annexation of school property.
921*	Provide educational services to veterans.
937	Establish budget limitations for county extension boards.
992	Require sidewalk construction and repair of sewer connections.
993*	Authorize academic transfer programs at Metropolitan Technical Community College.
1006*	Allow additional fire officers to collect certain fees.
1117*	Small Business Development Authority Act.

LOUIS WILLIAM HARRIS

LB	
645	Expand the scope of educational telecommunications programming.
645A	Appropriation Bill.
926*	Authorize Governor to direct investments to certain financial institutions.
952*	Provide additional powers and duties for Nebraska Educational Television Commission.
961	Modify the Nebraska Political Accountability and Disclosure Act.
1011*	Change provisions requiring reporting and penalties for financial institutions.
1117*	Small Business Development Authority Act.
1118	Change provisions for retirement benefits for University

employees.

ELROY M. HEFNER

LB	
38*	Increase the Veterans' Aid Fund.
47*	Provide for a sales tax on services.
183*	Require burden of proof for insanity plea be placed on defendant.
226*	Authorization for sale of land to Nebraska Technical Community College.
297*	Allow signs to be erected within 600 feet of highway rights-of-way.
597*	Reinstate property tax on personal property.
718*	Require Secretary of State to coordinate forms management program.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
744*	Prohibit use of mechanical lottery devices.
785*	Provide regulations for pre-paid funeral contracts.
793	Change provisions for qualification and computation of unemployment benefits.
798*	Provide additional duties for Social Services Director.
804*	Require Judicial Qualifications Commission to notify complainants of decisions.
809*	Establish a Homestead Exemption based on actual value.
820	Requires only one bond be posted for multi-liquor licenses.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
832*	Change provisions for hearings and findings by Industrial Relations Commission.
852*	Change a landowner's liability for drainage damage.
861*	Allow Natural Resources Districts to allow use of land for recreational purposes.
888*	Provide a tax credit for certain wage payments.
890*	Allocate and distribute Technical Community Colleges funds.
915	Change a provision relating to wagering on horse racing.
936*	Change provisions for grants by State Energy Office.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
1005*	Beginning Farmer Opportunity Act.
1058*	Direct Governor to enter into a Missouri River Barge Traffic Compact.
1059*	Extend time limit for executing the Missouri River Barge Traffic Compact.

1117*	Small Business Development Authority Act.
LR	
3CA	Require Legislature to appropriate funds to political subdivisions for new programs.
235CA*	Change provisions and procedures relating to disciplinary actions against judges.
245CA*	Establish a limit on revenue collected by state.

MARGE HIGGINS

LB	
85*	Prohibit certain reimbursements by the Department of Public Welfare.
314*	Occupational Therapy Act.
314A*	Appropriation Bill.
482	Provide for the removal of illegally parked vehicles on highways.
694*	Change provisions for driver's license renewal.
695*	Change provisions relating to abortion.
697	Change procedures for driver's license appeals.
698*	Determines formula for calculating nonresident high school tuition.
700*	Establish Pay Equity Commission for state employees.
718*	Require Secretary of State to coordinate forms management program.
719*	Provide issuance of temporary license plate renewal tabs.
784*	Provide Grandparent visitation rights.
809*	Establish a Homestead Exemption based on actual value.
821*	Change provisions relating to Nebraska Trust Deeds Act.
908*	Change provisions for platting and annexation of school property.
945*	Change provisions for sales tax exemption for energy.
963	Redistribute funds for Law Enforcement Improvements.
993*	Authorize academic transfer programs at Metropolitan Technical Community College.
1058*	Direct Governor to enter into a Missouri River Barge Traffic Compact.
1059*	Extend time limit for executing the Missouri River Barge Traffic Compact.
1073	Collect a vehicle liability insurance tax for drivers education fund.
1074	Prohibit spending of school district funds for administration and superintendents' associations.
1116	Require reports by County Attorneys regarding felony cases.

LR	
12CA*	Provide that legislative sessions begin in December.

PETER HOAGLAND

LB	
77*	Forfeiture of anything of value furnished in exchange for drugs.
276*	Change provisions relating to court jurisdiction in divorce cases.
296	Change provisions for recognition of teacher organizations.
296A	Appropriation Bill.
312	Provide a method for determining motor vehicle contributory negligence.
331*	Change provisions relating to the annexation of school districts.
381*	Change provisions relating to preference for ground water users.
430*	Provide for a study to extend public radio service.
450*	Create a County Peace Officers Retirement System.
458	Standards for well construction.
569	Prohibit manufacture or distribution of imitation controlled substances.
595	Modify procedures for designation of a ground water control area.
596	Authorize designation of protected stream reaches.
700*	Establish Pay Equity Commission for state employees.
718*	Require Secretary of State to coordinate forms management program.
719*	Provide issuance of temporary license plate renewal tabs.
744*	Prohibit use of mechanical lottery devices.
809*	Establish a Homestead Exemption based on actual value.
828*	Require Roads Department to tabulate information on accident reports.
854*	Change provisions for criminal mischief against churches, synagogues, and cemetaries.
860	Provide exception to prepaid funeral agreement requirements.
905*	Establish restrictions on medical assistance programs for medication.
906*	Change provisions for issuing certificates of need.
908*	Change provisions for platting and annexation of school property.
945*	Change provisions for sales tax exemption for energy.
964	Change provisions for sale of fireworks.
966*	Change filing date for petitions to recall elections.

987	Change provisions for service of process.
1012*	Provide for public campaign financing of legislative races.
1050	Establish procedures for modification of criminal sentences.
1057*	Provide a work-study program.
1111*	Change provisions for driving while intoxicated.
1113	Provide District Court with jurisdiction in unlawful entry cases.
1114	Provide mediation services for conciliation courts.
1115*	Prohibit eligibility for pre-trial diversion for intoxicated driving.
LR	
2CA*	Use proceeds from forfeited property for drug enforcement programs.
12CA*	Provide that legislative sessions begin in December.
247CA	Provide for Gubernatorial appointment of Board of Regents.

CLARENCE E. JACOBSON

LB	
294*	Provide for an additional exemption for hunting and fishing permits.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
784*	Provide Grandparent visitation rights.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
1064*	Provide for first lien on livestock for feed and feeding.
LR	
337CA*	Establish separate tax class for farm land and limit tax levy on property.

LOWELL C. JOHNSON

LB	
38*	Increase the Veterans' Aid Fund.
172	Allow certain special fuel dealers to file a combined tax return.
394*	Change certain provisions relating to county jails.
453	Allow realtors to use savings and loan associations for trust accounts.
453A	Appropriation Bill.
470*	Eliminate sunset provision for the Board of Examiners in Dentistry.
471*	Eliminate the Nebraska Collection Agency Board.

473*	Change provisions relating to the State Board of Public Accountancy.
475*	Create Abstracters Advisory Board to the Department of Insurance.
477*	Change sunset provisions for State Board of Landscape Architects.
478*	Eliminate sunset provisions for Board of Examiners for Land Surveyors.
480*	Change powers and duties of the State Real Estate Commission.
481*	Eliminate sunset provisions for the Board of Examiners of Psychologists.
718*	Require Secretary of State to coordinate forms management program.
719*	Provide issuance of temporary license plate renewal tabs.
744*	Prohibit use of mechanical lottery devices.
784*	Provide Grandparent visitation rights.
785*	Provide regulations for pre-paid funeral contracts.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
923	Provide equal treatment of state and federal savings and loan associations.
1056*	Include first class cities in state salary survey.

LR

337CA*	Establish separate tax class for farm land and limit tax levy on property.

ROD JOHNSON

LB

255*	Appropriate funds to carry out the Scholarship Award Program.
700*	Establish Pay Equity Commission for state employees.
707	Broaden powers of rural and suburban fire protection districts.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
762*	Change provisions for issuance of Administrative Rules.
779	Include horses in brand requirements.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
865	Define and provide a penalty for theft of cable television services.
867*	Complete construction of Animal Science Complex.
936*	Change provisions for grants by State Energy Office.
938	Provide assistance for teachers of gifted children.

965*	Require certain disclosure information by defendants.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
986*	Change provisions for temporary custody and rights of parties in juvenile cases.
1005*	Beginning Farmer Opportunity Act.
1034*	Appropriate additional funds for University's Veterinary Diagnostic Program.
1065	Provide for education of gifted children.
1065A	Appropriation Bill.
1067*	Change provisions for crimes against property, motor vehicle use, and terroristic threats.
1093*	Provide for noncommercial, educational radio network.
LR	
12CA*	Provide that legislative sessions begin in December.
337CA*	Establish separate tax class for farm land and limit tax levy on property.

VARD R. JOHNSON

LB	
47*	Provide for a sales tax on services.
112	Establish a high risk pregnancy support program.
112A	Appropriation Bill.
113	Determination of eligibility for medical assistance.
129	Provide for district election of Douglas county commissioners.
130	Provide licensing for early childhood and day care programs.
130A	Appropriation Bill.
140	Provide for state funding of Silver Haired Legislature.
140A	Appropriation Bill.
189	Prohibit public defenders from engaging in private criminal law practice.
283*	Authorize access to adoption records.
489*	Create the Nebraska Sentencing Guidelines Commission.
491	Remove the property tax exemption for hospitals.
492	Change certain county court fees.
496	Penalize employers for failing to make payments for employee benefits.
597*	Reinstate property tax on personal property.
664*	Require Legislative Fiscal Analyst to perform additional duties.
719*	Provide issuance of temporary license plate renewal tabs.
737*	Change shrinkage allowance on vehicle fuel taxes; change discount on cigarette stamps.

738	Provides exception to employment-at-will rule.
739	Change provisions of Nebraska Fair Employment Practice Act.
740	Provide for accreditation of early childhood programs.
741	Change provision for persons ineligible for liquor licenses.
769*	Reduces administrative fee collected for state sales tax.
777	Adjusts premiums for certain motor vehicle insurance policies.
778	Provide for registration of dental assistants.
783	Change provisions for local health departments.
809*	Establish a Homestead Exemption based on actual value.
813*	Change provisions on political subdivision budget limits.
814*	Create statewide system of technical community colleges.
893	Establish early retirement program for University faculty members.
905*	Establish restrictions on medical assistance programs for medication.
906*	Change provisions for issuing certificates of need.
908*	Change provisions for platting and annexation of school property.
921*	Provide educational services to veterans.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
1005*	Beginning Farmer Opportunity Act.
1012*	Provide for public campaign financing of legislative races.
1020*	Require Administrative Services Department to purchase recycled paper.
1041*	Allow certain Social Security beneficiarys to receive medical assistance.
1117*	Small Business Development Authority Act.
1123*	Provide sales tax on services; provide a refundable tax credit.
1127***	Change qualifications for disabled assistance.
LR	
18CA	Remove restrictions on giving or loaning of the credit of the state.
226CA	Allow legislators to be eligible for certain state appointments.
228CA*	Eliminate non-partisan manner for legislators to be elected.
237CA*	Establish restrictions on legislative salaries and bill introduction.
238CA	Place all public postsecondary education institutions under Legislature.
248CA*	Require school districts to offer kindergarten to twelfth grade instruction.

MARTIN F. KAHLE

LB	
9	Require two year probationary period for teachers in state agencies.
255*	Appropriate funds to carry out the Scholarship Award Program.
394*	Change certain provisions relating to county jails.
443*	Provide another exception to trial by jury.
470*	Eliminate sunset provision for the Board of Examiners in Dentistry.
471*	Eliminate the Nebraska Collection Agency Board.
473*	Change provisions relating to the State Board of Public Accountancy.
477*	Change sunset provisions for State Board of Landscape Architects.
478*	Eliminate sunset provisions for Board of Examiners for Land Surveyors.
480*	Change powers and duties of the State Real Estate Commission.
481*	Eliminate sunset provisions for the Board of Examiners of Psychologists.
518	Change provisions relating to circulation of petitions.
597*	Reinstate property tax on personal property.
670	Provide a deadline on Department of Environmental Control's annual report.
671*	Allow mileage reimbursement for county board members.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
744*	Prohibit use of mechanical lottery devices.
784*	Provide Grandparent visitation rights.
785*	Provide regulations for pre-paid funeral contracts.
794	Change provisions regarding state and local sales tax.
798*	Provide additional duties for Social Services Director.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
861*	Allow Natural Resources Districts to allow use of land for recreational purposes.
886	Change provisions for administration of medical assistance.
941*	Increase tax rate on alcoholic beverages.
941A*	Appropriation Bill.
966*	Change filing date for petitions to recall elections.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.

1005*	Beginning Farmer Opportunity Act.
1056*	Include first class cities in state salary survey.
1078*	Change provisions of Environmental Protection Act.
1078A	Appropriation Bill.

KAREN KILGARIN

LB	
13*	Transfer municipal courts to county courts.
13A*	Appropriation Bill.
14*	Provide an income tax credit for child care.
14A	Appropriation Bill.
122*	Public Service Intervenor Act.
331*	Change provisions relating to the annexation of school districts.
336*	State Lottery Act.
359*	Provisions for metropolitan water and utilities districts' payments to cities.
470*	Eliminate sunset provision for the Board of Examiners in Dentistry.
471*	Eliminate the Nebraska Collection Agency Board.
473*	Change provisions relating to the State Board of Public Accountancy.
475*	Create Abstracters Advisory Board to the Department of Insurance.
477*	Change sunset provisions for State Board of Landscape Architects.
478*	Eliminate sunset provisions for Board of Examiners for Land Surveyors.
480*	Change powers and duties of the State Real Estate Commission.
481*	Eliminate sunset provisions for the Board of Examiners of Psychologists.
525*	Create a Youth Service Commission.
597*	Reinstate property tax on personal property.
694*	Change provisions for driver's license renewal.
700*	Establish Pay Equity Commission for state employees.
704	Change provisions relating to Nebraska Hospital-Medical Liability Act.
718*	Require Secretary of State to coordinate forms management program.
760*	Issue special license plates to former prisoners of war.
769*	Reduces administrative fee collected for state sales tax.
809*	Establish a Homestead Exemption based on actual value.
814*	Create statewide system of technical community colleges.
842	Provide insurance coverage for alcoholism treatments.

867*	Complete construction of Animal Science Complex.
894	Change provisions relating to Nebraska Hospital-Medical Liability Act.
908*	Change provisions for platting and annexation of school property.
921*	Provide educational services to veterans.
945*	Change provisions for sales tax exemption for energy.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
1056*	Include first class cities in state salary survey.
1058*	Direct Governor to enter into a Missouri River Barge Traffic Compact.
1059*	Extend time limit for executing the Missouri River Barge Traffic Compact.
1117*	Small Business Development Authority Act.
LR	
2CA*	Use proceeds from forfeited property for drug enforcement programs.
225CA*	Place Board of Regents under direction of Legislature.

BERNICE LABEDZ

LB	
85*	Prohibit certain reimbursements by the Department of Public Welfare.
331*	Change provisions relating to the annexation of school districts.
466A	Appropriation Bill.
516*	Change provisions relating to the Board of Examiners for Professional Engineers and Architects.
544*	Create the office of county engineer in certain counties.
581*	Eliminate discriminatory factor in salary surveys.
694*	Change provisions for driver's license renewal.
694A*	Appropriation Bill.
695*	Change provisions relating to abortion.
700*	Establish Pay Equity Commission for state employees.
700A	Appropriation Bill.
701	Distributes tax revenue from parimutuel wagering.
717*	Change provisions for homestead tax exemptions.
718*	Require Secretary of State to coordinate forms management program.
719*	Provide issuance of temporary license plate renewal tabs.
784*	Provide Grandparent visitation rights.
785*	Provide regulations for pre-paid funeral contracts.
809*	Establish a Homestead Exemption based on actual value.
814*	Create statewide system of technical community colleges.

908*	Change provisions for platting and annexation of school property.
914*	Expand definition of handicapped children.
945*	Change provisions for sales tax exemption for energy.
1001A	Appropriation Bill.
1052*	Allow depositing of public funds in financial institutions other than banks.
1081	Provide concurrent jurisdiction on national park lands.
1125***	Telecommunications and Information Center within Administrative Services Department.

LR

12CA*	Provide that legislative sessions begin in December.
15CA*	Prohibit sales tax on food.

HOWARD A. LAMB

LB

103	Change provisions relating to evaluation of probationary school employees.
231*	Provide for a short-term commercial license for certain farm trucks.
293*	Allow compensation to landowners for damages from wildlife.
294*	Provide for an additional exemption for hunting and fishing permits.
385*	Provide powers and duties for regional offices of mental retardation.
671*	Allow mileage reimbursement for county board members.
672	Provide additional basis for refusal of application to appropriate water.
673	Provide for revocation of law enforcement certificates.
674	Change the time restriction on foreclosures for taxes.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
744*	Prohibit use of mechanical lottery devices.
814*	Create statewide system of technical community colleges.
922*	Create a statewide Technical Community College system.
936*	Change provisions for grants by State Energy Office.
997*	Change distribution provision for certain school funds.

DAVID LANDIS

LB

63	Change publication requirements of certain county board proceedings.
232*	Change provisions relating to election of natural resource

	boards.
278	Allow non-licensed insurance agents to sell home protection insurance.
372	Community Development Assistance Act.
372A	Appropriation Bill.
442	Increase benefits for primary class firefighters and police officers.
455	Establish the Nebraska Sentencing Guidelines Commission.
489*	Create the Nebraska Sentencing Guidelines Commission.
516A	Appropriation Bill.
682	Changes political subdivisions' contracts involving conflicts of interest.
683	Change limitations on allowable appropriations for county buildings.
700*	Establish Pay Equity Commission for state employees.
718*	Require Secretary of State to coordinate forms management program.
719*	Provide issuance of temporary license plate renewal tabs.
792	Change provisions for motor vehicle registration fees.
916	Mobile Home Landlord and Tenant Act.
926*	Authorize Governor to direct investments to certain financial institutions.
943	Allow sale of alcoholic beverages to certain organizations.
953*	Petroleum Products and Flammable Liquids Storage and Handling Act.
960	Eminent Scholars Program.
960A	Appropriation Bill.
975*	Establish uniform recall procedure for elected officials.
1002	Elderly and Disabled Persons and Family Support Act.
1010*	Change provisions relating to initiative and referendum.
1013*	Provide for information disclosure of state government to Public Counsel.
1019*	Change retirement provisions for Lincoln Firefighters and Police Officers.
1089	Change provisions for motorcycle safety education.
1089A	Appropriation Bill.

RAY E. LUNDY

LB	
718*	Require Secretary of State to coordinate forms management program.
719*	Provide issuance of temporary license plate renewal tabs.
744*	Prohibit use of mechanical lottery devices.
762*	Change provisions for issuance of Administrative Rules.
825*	Establish provisions for motor vehicle titles, registrations,

	and dealer license plates.
837	Establish restrictions on acquisition of land for airports.
838*	Provide for continuation of Building Maintenance Committee.
862*	Provide taxation methods for cigarette packages containing 20 or more.
908*	Change provisions for platting and annexation of school property.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
1010*	Change provisions relating to initiative and referendum.
1120	Change provisions for approval of subdivision or platting plans.

SHIRLEY MARSH

LB	
115	Authorize disability insurance coverage for state employees.
276*	Change provisions relating to court jurisdiction in divorce cases.
419	Change requirements for initial entrance into public schools.
470*	Eliminate sunset provision for the Board of Examiners in Dentistry.
471*	Eliminate the Nebraska Collection Agency Board.
473*	Change provisions relating to the State Board of Public Accountancy.
475*	Create Abstracters Advisory Board to the Department of Insurance.
477*	Change sunset provisions for State Board of Landscape Architects.
478*	Eliminate sunset provisions for Board of Examiners for Land Surveyors.
480*	Change powers and duties of the State Real Estate Commission.
481*	Eliminate sunset provisions for the Board of Examiners of Psychologists.
660	Provide publication and protest requirements for certain assessments.
700*	Establish Pay Equity Commission for state employees.
719*	Provide issuance of temporary license plate renewal tabs.
724A	Appropriation Bill.
744*	Prohibit use of mechanical lottery devices.
748	Change provisions for adoption of standard codes.
761*	Nebraska Certified Nurse-Midwifery Practice Act.

761A	Appropriation Bill.
781	Change provisions for day care programs.
861*	Allow Natural Resources Districts to allow use of land for recreational purposes.
896	Eliminate advisory zoning committees.
926*	Authorize Governor to direct investments to certain financial institutions.
927	Require underground storage of combustable liquids.
999	Require eye protective devices in certain courses.

GORDON L. MCDONALD

LB	
14*	Provide an income tax credit for child care.
715	Require lighted headlamps on motorcycles at all times on state highways.
716	Change provisions regarding radiation control.
717*	Change provisions for homestead tax exemptions.
806	Change provisions for issuance and renewal of driver's licenses.
809*	Establish a Homestead Exemption based on actual value.
832*	Change provisions for hearings and findings by Industrial Relations Commission.
832A	Appropriation Bill.
854*	Change provisions for criminal mischief against churches, synagogues, and cemetaries.
905*	Establish restrictions on medical assistance programs for medication.
906*	Change provisions for issuing certificates of need.
912	Require liability insurance prior to vehicle registration.
945*	Change provisions for sales tax exemption for energy.
1005*	Beginning Farmer Opportunity Act.
1006*	Allow additional fire officers to collect certain fees.
1085*	Provide for voter registration on primary election day.
1094	Includes cancer as cause for firefighters disability or death.
1117*	Small Business Development Authority Act.
LR	
227CA	Allow cities to incur rehabilitation indebtedness for blighted property.

PATRICIA S. MOREHEAD

LB	
212*	Reduce county property tax due to transfer of welfare programs to state.
256*	Allow school district officers to be parties to contracts with

	districts.
470*	Eliminate sunset provision for the Board of Examiners in Dentistry.
471*	Eliminate the Nebraska Collection Agency Board.
473*	Change provisions relating to the State Board of Public Accountancy.
475*	Create Abstracters Advisory Board to the Department of Insurance.
477*	Change sunset provisions for State Board of Landscape Architects.
478*	Eliminate sunset provisions for Board of Examiners for Land Surveyors.
480*	Change powers and duties of the State Real Estate Commission.
481*	Eliminate sunset provisions for the Board of Examiners of Psychologists.
680*	Change provisions for issuance of limited hunting permits.
700*	Establish Pay Equity Commission for state employees.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
785*	Provide regulations for pre-paid funeral contracts.
809*	Establish a Homestead Exemption based on actual value.
814*	Create statewide system of technical community colleges.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
827	Require committing county pay costs under Mental Health Commitment Act.
843*	Change provisions for size and composition of Public Employees Retirement Board.
861*	Allow Natural Resources Districts to allow use of land for recreational purposes.
867*	Complete construction of Animal Science Complex.
870***	Change schedule of medical assistance payments.
870A*	Appropriation Bill.
919	Change provisions for reversal of provisional settlements under Uniform Commercial Code.
920	Absentee Voters Act.
945*	Change provisions for sales tax exemption for energy.
978	Require licenses for certain consignment auction houses.
995*	Change provisions for charging employers for employment security.
1005*	Beginning Farmer Opportunity Act.
1034*	Appropriate additional funds for University's Veterinary Diagnostic Program.
1056*	Include first class cities in state salary survey.

LR

12CA*	Provide that legislative sessions begin in December.
15CA*	Prohibit sales tax on food.

DAVE NEWELL

LB

47*	Provide for a sales tax on services.
150	Change provisions relating to the organization of a Sanitary and Improvement Districts.
321	Change provisions relating to school retirement system.
331*	Change provisions relating to the annexation of school districts.
430*	Provide for a study to extend public radio service.
457*	Change annuity formula for school retirement system.
459	Rename the Policy Research Office.
460	Expand powers of hospital authorities to issue bonds.
467	Change certain provisions relating to school district reorganization.
700*	Establish Pay Equity Commission for state employees.
717*	Change provisions for homestead tax exemptions.
718*	Require Secretary of State to coordinate forms management program.
721	Changes for determining financial need at higher learning institutions.
760*	Issue special license plates to former prisoners of war.
763	Provide for identification of dentures.
809*	Establish a Homestead Exemption based on actual value.
809A	Appropriation Bill.
813*	Change provisions on political subdivision budget limits.
814*	Create statewide system of technical community colleges.
815	Change provisions for Educational Service Units.
816	Allow property taxes which exceed $100 to be paid quarterly.
817	Change provisions for imposing sales tax in Second Class cities and villages.
857	Provide powers and duties for Nebraska Coordinating Postsecondary Education Commission.
858	Require Coordinating Commission for Postsecondary Education to recommend tuition levels.
859	Change provisions regarding property tax funded entities.
905*	Establish restrictions on medical assistance programs for medication.
906*	Change provisions for issuing certificates of need.
908*	Change provisions for platting and annexation of school property.

921*	Provide educational services to veterans.
922*	Create a statewide Technical Community College system.
945*	Change provisions for sales tax exemption for energy.
958	Changes in sales tax exemptions; set tax rates; modify homestead exemption provisions.
993*	Authorize academic transfer programs at Metropolitan Technical Community College.
1021	Change provisions for valuation of motor vehicles.
1022	Change provisions relating to cemeteries.
1030	Appropriate additional funds to school districts.
1058*	Direct Governor to enter into a Missouri River Barge Traffic Compact.
1059*	Extend time limit for executing the Missouri River Barge Traffic Compact.
1093*	Provide for noncommercial, educational radio network.
1093A	Appropriation Bill.
1117*	Small Business Development Authority Act.
1119	Provide procedures for reorganizing certain cities and villages.

LR

12CA*	Provide that legislative sessions begin in December.
225CA*	Place Board of Regents under direction of Legislature.
233CA*	Establish separate classes of land and improvements for taxation.
234CA	Establish redemption limitation on real estate sold for nonpayment taxes.
236CA	Allow Board of Equalization to determine legislative salaries.

WILLIAM E. NICHOL

LB

56*	Raise the legal drinking age to twenty-one.
601**	Appropriations for expenses of Nebraska State Government.
606**	Change provisions relating to public bodies.
711*	Provide organ donor information on driver's license.
711A	Appropriation Bill.
712	Authorize tax exemption for Parent-Teacher Associations.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
784*	Provide Grandparent visitation rights.
828*	Require Roads Department to tabulate information on accident reports.
869**	Establish sales and income tax rate.
870***	Change schedule of medical assistance payments.

871**	Establish limitation on allocation by Environmental Control Department.
872**	Change provisions for reimbursements for special education.
873**	Change abstract fee and fund usage for drivers' licenses.
874**	Provide appropriations and limit expenditures for Nebraska State Fairgrounds Building Fund.
875**	Create State Board of Agriculture Cash Fund.
876**	Eliminate Nebraska Cancer Research Fund.
877**	Change provisions relating to foster care.
878**	Reallocate certain funds of Highway Allocation Fund to State Patrol Fund.
879**	Increase taxes on insurance companies selling fire protection.
880**	Change provisions for Public Employees Group Insurance.
881**	Extend time to raise levy for Technical Community Colleges.
882**	Appropriate funds for state officers' salaries.
883**	Appropriate funds for legislative salaries.
884**	Provide for deficiency appropriations.
885**	Appropriate funds for state government expenses.
889*	Extend time limit for Technical Community College Boards to levy certain taxes.
890*	Allocate and distribute Technical Community Colleges funds.
993*	Authorize academic transfer programs at Metropolitan Technical Community College.
1111*	Change provisions for driving while intoxicated.
1115*	Prohibit eligibility for pre-trial diversion for intoxicated driving.
1117*	Small Business Development Authority Act.
1125***	Telecommunications and Information Center within Administrative Services Department.
1125A	Appropriation Bill.
1126**	Appropriate funds for economic development agencies specified by Governor.

LR

12CA*	Provide that legislative sessions begin in December.

JAMES E. PAPPAS

LB

256*	Allow school district officers to be parties to contracts with districts.
297*	Allow signs to be erected within 600 feet of highway rights-of-way.

336*	State Lottery Act.
441*	Eliminate insanity as a defense to criminal conduct.
502*	Require agricultural equipment manufacturers to repair or replace equipment.
580*	Provide for regulation of weights and measures fees.
631*	Industrial Financing Corporation Act.
692*	Change provisions to hospital-medical liability.
700*	Establish Pay Equity Commission for state employees.
705	Provide insurance option to state employees.
706	Change provisions for taxation on parimutuel wagering.
719*	Provide issuance of temporary license plate renewal tabs.
732	Change provisions for budget reserves by counties.
733*	Change provisions for registration and use of farm vehicles.
754*	Require interest payments for certain escrow accounts.
755	Require certain residents to apply for electrical license.
756	Change provisions for motor vehicle registration.
757	Change provisions for transfers of trust in real property.
758	Change provisions for sales tax remittance on credit sales.
762*	Change provisions for issuance of Administrative Rules.
784*	Provide Grandparent visitation rights.
785*	Provide regulations for pre-paid funeral contracts.
809*	Establish a Homestead Exemption based on actual value.
843*	Change provisions for size and composition of Public Employees Retirement Board.
855	Require State Patrol officers to retire after thirty years of service.
867*	Complete construction of Animal Science Complex.
889*	Extend time limit for Technical Community College Boards to levy certain taxes.
890*	Allocate and distribute Technical Community Colleges funds.
909*	Change provisions pertaining to primary elections.
918	Change an exemption under Documentary Stamp Tax Act.
959	Allow creditors of state agencies to charge interest.
1003*	Provide income tax credit for flood prevention structures.
1003A	Appropriation Bill.
1034*	Appropriate additional funds for University's Veterinary Diagnostic Program.
1042	Allow dealers of motor vehicles to collect certain interest fees.
1049*	Require banks to report certain insurance requirements for loans.
1066	Create group self-insurance pools.
1077	Allow a contract provision for heirs to operate a franchise.
1107	Change provisions for Civil Service Commissions.

1117*	Small Business Development Authority Act.
1123*	Provide sales tax on services; provide a refundable tax credit.

LR

225CA*	Place Board of Regents under direction of Legislature.
248CA*	Require school districts to offer kindergarten to twelfth grade instruct.
337CA*	Establish separate tax class for farm land and limit tax levy on property.

HOWARD L. PETERSON

LB

56*	Raise the legal drinking age to twenty-one.
255*	Appropriate funds to carry out the Scholarship Award Program.
294*	Provide for an additional exemption for hunting and fishing permits.
394*	Change certain provisions relating to county jails.
470*	Eliminate sunset provision for the Board of Examiners in Dentistry.
471*	Eliminate the Nebraska Collection Agency Board.
473*	Change provisions relating to the State Board of Public Accountancy.
475*	Create Abstracters Advisory Board to the Department of Insurance.
477*	Change sunset provisions for State Board of Landscape Architects.
478*	Eliminate sunset provisions for Board of Examiners for Land Surveyors.
480*	Change powers and duties of the State Real Estate Commission.
481*	Eliminate sunset provisions for the Board of Examiners of Psychologists.
560*	Provide a tax credit for businesses which create jobs.
665	Prohibit school districts from performing certain functions.
666	Allow barbers and cosmetologists to practice in certain homes.
667	Require prisoners to pay the incarceration cost.
668*	Change provisions for administrators and teachers of private schools.
696*	Change provisions of spouse's testimony in criminal case.
719*	Provide issuance of temporary license plate renewal tabs.
744*	Prohibit use of mechanical lottery devices.
784*	Provide Grandparent visitation rights.

785*	Provide regulations for pre-paid funeral contracts.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
828*	Require Roads Department to tabulate information on accident reports.
861*	Allow Natural Resources Distrists to allow use of land for recreational purposes.
889*	Extend time limit for Technical Community College Boards to levy certain taxes.
890*	Allocate and distribute Technical Community Colleges funds.
908*	Change provisions for platting and annexation of school property.
928*	Change provisions pertaining to public and private schools.
966*	Change filing date for petitions to recall elections.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
1056*	Include first class cities in state salary survey.
1056A	Appropriation Bill.
1064*	Provide for first lien on livestock for feed and feeding.
1117*	Small Business Development Authority Act.
LR	
223CA	Establish a State Board of Higher Education.
245CA*	Establish a limit on revenue collected by state.
337CA*	Establish separate tax class for farm land and limit tax levy on property.

RICHARD PETERSON

LB	
226*	Authorization for sale of land to Nebraska Technical Community College.
294*	Provide for an additional exemption for hunting and fishing permits.
314*	Occupational Therapy Act.
314A*	Appropriation Bill.
580*	Provide for regulation of weights and measures fees.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
744*	Prohibit use of mechanical lottery devices.
823	Provide for laws regarding services provided by hospital employees.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
832*	Change provisions for hearings and findings by Industrial Relations Commission.

852*	Change a landowner's liability for drainage damage.
LR	
337CA*	Establish separate tax class for farm land and limit tax levy on property.

CAROL MCBRIDE PIRSCH

LB	
77*	Forfeiture of anything of value furnished in exchange for drugs.
79	Change provisions relating to sexual assault.
80	Change provisions relating to reduction of prison sentences.
167	Relinquish driver's license upon violation of a traffic law.
183*	Require burden of proof for insanity plea be placed on defendant.
233*	Provide for restitution to victims of crime.
331*	Change provisions relating to the annexation of school districts.
359*	Provide for metropolitan water and utilities districts' payments to cities.
485	Prohibit covering windows of motor vehicles.
718*	Require Secretary of State to coordinate forms management program.
719*	Provide issuance of temporary license plate renewal tabs.
809*	Establish a Homestead Exemption based on actual value.
813*	Change provisions on political subdivision budget limits.
908*	Change provisions for platting and annexation of school property.
941*	Increase tax rate on alcoholic beverages.
941A*	Appropriation Bill.
965*	Require certain disclosure information by defendants.
966*	Change filing date for petitions to recall elections.
986*	Change provisions for temporary custody and rights of parties in juvenile cases.
1048	Change provisions regarding adoption.
1067*	Change provisions for crimes against property, motor vehicle use, and terroristic threats.
1095	Change penalty for carrying concealed weapons for first and second offenses.
LR	
2CA*	Use proceeds from forfeited property for drug enforcement programs.

R. WILEY REMMERS

LB	
297*	Allow signs to be erected within 600 feet of highway rights-of-way.
394*	Change certain provisions relating to county jails.
444*	Public Education Income Tax Act.
580*	Provide for regulation of weights and measures fees.
680*	Change provisions for issuance of limited hunting permits.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
744*	Prohibit use of mechanical lottery devices.
759*	Uninsured and Underinsured Motorist Coverage Act.
784*	Provide Grandparent visitation rights.
785*	Provide regulations for pre-paid funeral contracts.
786	Restrict probation/sentence suspension in controlled substances theft.
797	Limit contributions to candidates for public office.
809*	Establish a Homestead Exemption based on actual value.
814*	Create statewide system of technical community colleges.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
931*	Nebraska Mathematics and Science Teacher Tuition Assistance Act.
931A	Appropriation Bill.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
1007*	Change provisions for financial responsibility by grain warehouses.
1058*	Direct Governor to enter into a Missouri River Barge Traffic Compact.
1059*	Extend time limit for executing the Missouri River Barge Traffic Compact.

LEE RUPP

LB	
403	Change analysis of controlled substances to the Nebraska State Patrol.
403A	Appropriation Bill.
710	Changes requirements for a limited driver's permit.
719*	Provide issuance of temporary license plate renewal tabs.
766	Require accident reports to be filed when damages exceed $500.
784*	Provide Grandparent visitation rights.
905*	Establish restrictions on medical assistance programs for

	medication.
906*	Change provisions for issuing certificates of need.
936*	Change provisions for grants by State Energy Office.
1005*	Beginning Farmer Opportunity Act.
1117*	Small Business Development Authority Act.
LR	
12CA*	Provide that legislative sessions begin in December.

LORAN SCHMIT

LB	
297*	Allow signs to be erected within 600 feet of highway rights-of-way.
371A	Appropriation Bill.
398	Provide an appropriation to the Crime Victim's Reparations Board.
431	Allocation of ground water for family and nonfamily farm and ranch corporations.
450*	Create a County Peace Officers Retirement System.
500*	Authorize Department of Correctional Services to provide inmate labor.
500A	Appropriation Bill.
502*	Require agricultural equipment manufacturers to repair or replace equipment.
503	Create a Railroad Branch Line Improvement Fund.
503A	Appropriation Bill.
504	Allow coordination of various agricultural boards.
525*	Create a Youth Service Commission.
559*	Provide for eminent domain powers for coal slurry pipelines.
576	Authorize rules and regulations relating to injection wells.
586*	Provide for distribution of funds to political subdivisions.
597*	Reinstate property tax on personal property.
598	Provide duties for the Nebraska District Court Judges Association.
692*	Change provisions to hospital-medical liability.
694*	Change provisions for driver's license renewal.
700*	Establish Pay Equity Commission for state employees.
717*	Change provisions for homestead tax exemptions.
719*	Provide issuance of temporary license plate renewal tabs.
728	Increases tax credit rate for farm machinery.
729	Changes statutory reference allowing public power districts to acquire transmission lines.
730	Change provisions regarding Nebraska Power Review Board.
733*	Change provisions for registration and use of farm vehicles.

784*	Provide Grandparent visitation rights.
805*	Establish powers and duties for Power Review Board.
809*	Establish a Homestead Exemption based on actual value.
811	Change provisions for driver's licenses and vehicle registration records.
818	Change provisions for terminating or transferring a water appropriation.
824	Provide for appointment of receiver to protect slaughter livestock sellers.
853	Authorize acquisition of certain Wahoo property by Department of Roads.
861*	Allow Natural Resources Districts to allow use of land for recreational purposes.
905*	Establish restrictions on medical assistance programs for medication.
906*	Change provisions for issuing certificates of need.
908*	Change provisions for platting and annexation of school property.
929*	Restrict causes of action for birth.
983	Permit operation of extra-long vehicles on highways.
984	Nebraska Water Project Revenue Bonding Act.
985	Create a reserve fund for Natural Resources Commission.
1031*	Establish general interest rate according to treasury bill rate.
1032	Change provisions for operating plans for oil and gas development.
1033*	Provide additional consideration in termination of water rights.
1040	Change provisions for flashing lights on emergency vehicles.
1070	Create Emergency Response Team within Nebraska State Patrol.
1071	Change provisions for citation of Ground Water Management and Protection Act.
1091	Prohibit threats by law officers; provide notice to detained persons.
1092	Create a Threatened and Endangered Species Committee.
1097	Change provisions for transferring property between school districts.
1098	Change provisions for boundary changes of school districts.
1099	Change provisions for agricultural laborers under employment security law.
1100	Change provisions for vehicle operation under the influence of drugs or alcohol.

1101	Expand use of Department of Correctional Services-made goods.
1102	Prohibit release on parole for certain sex offenders.
1106**	Change provisions relating to Natural Resources.
1106A	Appropriation Bill.
1108	Change various provisions relating to water resources.
1109	Change provisions relating to natural streams and instream flows.
1110	Appropriate funds for Resources Development fund.
1121	Prohibit plea bargaining and negotiations.
1122	Provide considerations for courts granting sentence and charge concessions.
LR	
12CA*	Provide that legislative sessions begin in December.
232CA	Allow Legislature to enact laws to treat agricultural land as separate tax class.
244CA	Expand Legislature's authority to issue bonds for water projects.
337CA*	Establish separate tax class for farm land and limit tax levy on property.

SANDRA K. SCOFIELD

LB	
700*	Establish Pay Equity Commission for state employees.
718*	Require Secretary of State to coordinate forms management program.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
742	Prohibit certain methods of uranium mining.
809*	Establish a Homestead Exemption based on actual value.
945*	Change provisions for sales tax exemption for energy.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
997*	Change distribution provision for certain school funds.
1005*	Beginning Farmer Opportunity Act.
1008*	Establish provisions for farm wineries.
1082	Change provisions for uranium severance tax.
1083	Organize units within Department of Environmental Control.
1125***	Telecommunications and Information Center within Administrative Services Department.

HAROLD F. SIECK

LB	
117*	Protection of buyers of farm equipment under Uniform Commercial Code.
147	Provide an income tax exemption for federal civil service annuities.
233*	Provide for restitution to victims of crime.
293*	Allow compensation to landowners for damages from wildlife.
294*	Provide for an additional exemption for hunting and fishing permits.
385*	Provide powers and duties for regional offices of mental retardation.
394*	Change certain provisions relating to county jails.
443*	Provide another exception to trial by jury.
444*	Public Education Income Tax Act.
500*	Authorize Department of Correctional Services to provide inmate labor.
657*	Provide collection of child support from judgment debtor's estate.
658*	Provide special license plates for the visually and physically handicapped.
659	Allow certain counties to elect 3 or 5 county commissioners.
700*	Establish Pay Equity Commission for state employees.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
744*	Prohibit use of mechanical lottery devices.
798*	Provide additional duties for Social Services Director.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
861*	Allow Natural Resources Districts to allow use of land for recreational purposes.
888*	Provide a tax credit for certain wage payments.
890*	Allocate and distribute Technical Community Colleges funds.
1005*	Beginning Farmer Opportunity Act.
1024	Require townships to file budget statements to Auditor of Public Accounts.
1025	Require governmental subdivisions to submit reports to State Auditor.
1049*	Require banks to report certain insurance requirements for loans.

THOMAS VICKERS

LB	
67	Authorize certain water reporting and consultation.
68	Election of additional county officers on a nonpartisan ballot.
117*	Protection of buyers of farm equipment under Uniform Commercial Code.
141*	Provide for early transfer of high school students to college.
286A	Appropriation Bill.
341*	Provide the source of funds for the School Foundation and Equalization Fund.
341A	Appropriation Bill.
385*	Provide powers and duties for regional offices of mental retardation.
430*	Provide for a study to extend public radio service.
441*	Eliminate insanity as a defense to criminal conduct.
568A	Appropriation Bill.
581*	Eliminate discriminatory factor in salary surveys.
700*	Establish Pay Equity Commission for state employees.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
744*	Prohibit use of mechanical lottery devices.
867*	Complete construction of Animal Science Complex.
889*	Extend time limit for Technical Community College Boards to levy certain taxes.
890*	Allocate and distribute Technical Community Colleges funds.
898	Change provisions for professional license applications.
909*	Change provisions pertaining to primary elections.
914*	Expand definition of handicapped children.
930A	Appropriation Bill.
942	Change provisions for discontinuing a Class II school district.
945*	Change provisions for sales tax exemption for energy.
952*	Provide additional powers and duties for Nebraska Educational Television Commission.
970*	Authorize certain masters programs at Chadron, Wayne, and Kearney College.
970A	Appropriation Bill.
981A	Appropriation Bill.
982A	Appropriation Bill.
994A	Appropriation Bill.
1003*	Provide income tax credit for flood prevention structures.
1034*	Appropriate additional funds for University's Veterinary

	Diagnostic Program.
1057*	Provide a work-study program.
LR	
235CA*	Change provisions and procedures relating to disciplinary actions against judges.

MERLE VON MINDEN

LB	
38*	Increase the Veterans' Aid Fund.
226*	Authorization for sale of land to Nebraska Technical Community College.
294*	Provide for an additional exemption for hunting and fishing permits.
394*	Change certain provisions relating to county jails.
443*	Provide another exception to trial by jury.
719*	Provide issuance of temporary license plate renewal tabs.
743	Require vehicle lighted headlights during certain rain showers.
804*	Require Judicial Qualifications Commission to notify complainants of decisions.
809*	Establish a Homestead Exemption based on actual value.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
965*	Require certain disclosure information by defendants.
966*	Change filing date for petitions to recall elections.
970*	Authorize certain masters programs at Chadron, Wayne and Kearney College.
1058*	Direct Governor to enter into a Missouri River Barge Traffic Compact.
1059*	Extend time limit for executing the Missouri River Barge Traffic Compact.
1067*	Change provisions for crimes against property, motor vehicle use, and terroristic threats.
1112	Change provisions relating to preference to veterans seeking employment.
LR	
235CA*	Change provisions and procedures relating to disciplinary actions against judges.
245CA*	Establish a limit on revenue collected by state.
337CA*	Establish separate tax class for farm land and limit tax levy on property.

DONALD L. WAGNER

LB	
38*	Increase the Veterans' Aid Fund.
38A	Appropriation Bill.
47*	Provide for a sales tax on services.
297*	Allow signs to be erected within 600 feet of highway rights-of-way.
470*	Eliminate sunset provision for the Board of Examiners in Dentistry.
471*	Eliminate the Nebraska Collection Agency Board.
473*	Change provisions relating to the State Board of Public Accountancy.
475*	Create Abstracters Advisory Board to the Department of Insurance.
477*	Change sunset provisions for State Board of Landscape Architects.
478*	Eliminate sunset provisions for Board of Examiners for Land Surveyors.
480*	Change powers and duties of the State Real Estate Commission.
719*	Provide issuance of temporary license plate renewal tabs.
733*	Change provisions for registration and use of farm vehicles.
838*	Provide for continuation of Building Maintenance Committee.
861*	Allow Natural Resources Districts to allow use of land for recreational purposes.
897	Eliminate requirement for approval of drainage district plans.
908*	Change provisions for platting and annexation of school property.
1000	Change notice provisions of forfeiture and termination of water rights.
1008*	Establish provisions for farm wineries.
1033*	Provide additional consideration in termination of water rights.
1034*	Appropriate additional funds for University's Veterinary Diagnostic Program.
1043	Change election provisions for reorganization plans of school districts.
1044	Change provisions regarding annexation of school district territory.
1056*	Include first class cities in state salary survey.
1087	Establish school district annexation corresponding to city annexation.

1088	Change dates regarding annexation of school district territory.
1117*	Small Business Development Authority Act.

JEROME WARNER

LB	
25	Establish the Sales Tax Fund for aid to political subdivisions.
132	Damages recovered by Attorney General to be placed in Highway Cash Fund.
407	Authorize the sale of land in Lancaster County to the Department of Roads.
470*	Eliminate sunset provision for the Board of Examiners in Dentistry.
470A	Appropriation Bill.
471*	Eliminate the Nebraska Collection Agency Board.
473*	Change provisions relating to the State Board of Public Accountancy.
475*	Create Abstracters Advisory Board to the Department of Insurance.
477*	Change sunset provisions for State Board of Landscape Architects.
477A	Appropriation Bill.
478*	Eliminate sunset provisions for Board of Examiners for Land Surveyors.
478A	Appropriation Bill.
480*	Change powers and duties of the State Real Estate Commission.
481*	Eliminate sunset provisions for the Board of Examiners of Psychologists.
481A	Appropriation Bill.
528	Provide for a special water master.
529	Provide for an annual percentage increase in salaries of state employees.
530	Increase the tax on gasohol.
581*	Eliminate discriminatory factor in salary surveys.
653	Require Public Employees Retirement Board approval for investment changes.
664*	Require Legislative Fiscal Analyst to perform additional duties.
677	Change Department of Roads' powers relating to traffic-control devices.
678	Provide for deposit of certain funds in condemnation cases.
679	Allow certain register of deeds to use computerized system.
700*	Establish Pay Equity Commission for state employees.

772	Provide salary increases for state employees.
772A	Appropriation Bill.
788	Establish Fair Campaign Practices Code.
789	Require certain disclosure statements from lobbyists.
790	Allow Public Service Commission to regulate railroad crossings.
805*	Establish powers and duties for Power Review Board.
830	Change provisions of parimutuel tax collected from Nebraska State Fair.
861*	Allow Natural Resources Districts to allow use of land for recreational purposes.
863	Authorize Governor to convey specific easement to Lincoln.
867*	Complete construction of Animal Science Complex.
880A	Appropriation Bill.
890*	Allocate and distribute Technical Community Colleges funds.
905*	Establish restrictions on medical assistance programs for medication.
906*	Change provisions for issuing certificates of need.
917	Require legislative approval of certain Commission of Industrial Relations orders.
926*	Authorize Governor to direct investments to certain financial institutions.
967	Restrict Game Commission from indicating intent to add land without legislative approval.
1015	Increase retaining amount of University and University of Nebraska-Omaha Board of Regents.
1031*	Establish general interest rate according to treasury bill rate.
1056*	Include first class cities in state salary survey.
1127***	Change qualifications for disabled assistance.
1127A	Appropriation Bill.

LR

1CA	Provide for biennial appropriation and permit 4 year appropriation for new programs.
235CA*	Change provisions and procedures relating to disciplinary actions against judges.

DONALD WESELY

LB

38*	Increase the Veterans' Aid Fund.
122*	Public Service Intervenor Act.
232*	Change provisions relating to election of natural resource boards.

275	Building Construction Act.
295	Prohibit the use of automatic dialing-announcement devices.
324	Change provisions relating to certain life insurance policies.
338	Authorize Department of Public Institutions to sell certain property.
381*	Change provisions relating to preference for ground water users.
457*	Change annuity formula for school retirement system.
457A	Appropriation Bill.
540	Establish sheltered workshops to serve the physically or mentally disabled.
543	Increase unemployment benefits.
560*	Provide a tax credit for businesses which create jobs.
700*	Establish Pay Equity Commission for state employees.
719*	Provide issuance of temporary license plate renewal tabs.
720	Change provisions for mentally retarded persons' programs and services.
722	Change provisions for release of alcohol levels following accidents.
737*	Change shrinkage allowance on vehicle fuel taxes; change discount on cigarette stamps.
751A	Appropriation Bill.
767	Petroleum Products Act.
767A	Appropriation Bill.
768	Allow nonresident students to attend school without tuition costs.
769*	Reduces administrative fee collected for state sales tax.
773	Change provisions regarding appearance bonds.
809*	Establish a Homestead Exemption based on actual value.
812	Change provisions for developments of long-range power supply plan.
819	Prohibit reappointment or election of lawfully removed officials.
821*	Change provisions relating to Nebraska Trust Deeds Act.
822	Establish standards for modular housing units.
826	Increase Attorney General's salary; prohibit from private practice.
828*	Require Roads Department to tabulate information on accident reports.
829	Determine whether supervisors are in bargaining unit.
831	Change oil and gas severance tax rate.
905*	Establish restrictions on medical assistance programs for medication.
906*	Change provisions for issuing certificates of need.

906A	Appropriation Bill.
907	Catastrophic Health Insurance Pool Act.
926*	Authorize Governor to direct investments to certain financial institutions.
936*	Change provisions for grants by State Energy Office.
945*	Change provisions for sales tax exemption for energy.
955	Repeal sales tax exempt on energy for businesses; appropriate funds to schools.
971	Modify definition of creditable service in school retirement.
975*	Establish uniform recall procedure for elected officials.
1005*	Beginning Farmer Opportunity Act.
1011*	Change provisions requiring reporting and penalties for financial institutions.
1013*	Provide for information disclosure of state government to Public Counsel.
1019*	Change retirement provisions for Lincoln Firefighters and Police Officers.
1020*	Require Administrative Services Department to purchase recycled paper.
1041*	Allow certain Social Security beneficiarys to receive medical assistance.
1047	Change provisions for confinement of mentally-ill dangerous persons.
1085*	Provide for voter registration on primary election day.
1127***	Change qualifications for disabled assistance.

LR

4CA*	Remove Lieutenant Governor as presiding officer of the Legislature.
12CA*	Provide that legislative sessions begin in December.

STEVE WIITALA

LB

61	Provide for hearings and appeals related to adoption.
122*	Public Service Intervenor Act.
217	Change disability compensation rates for certain state employees.
227	Establish salary considerations for certain special education teachers.
280*	Provide duties for employers regarding toxic substances.
331*	Change provisions relating to the annexation of school districts.
341*	Provide the source of funds for the School Foundation and Equalization Fund.
388	Allow children housed on state-owned property to attend school tuition free.

430*	Provide for a study to extend public radio service.
446	Professional Staff Development Fund.
450*	Create a County Peace Officers Retirement System.
551*	Prohibit sale of certain agricultural commodities below minimum prices.
580*	Provide for regulation of weights and measures fees.

RON WITHEM

LB	
450*	Create a County Peace Officers Retirement System.
516*	Change provisions relating to the Board of Examiners for Professional Engineers and Architects.
544*	Create the office of county engineer in certain counties.
648	Establish dog license tax for certain counties.
649	Reduce annually tax exemption for gasohol.
650	Change method of jury selection lists.
651	Provide computation method for workmen's compensation insurance premiums.
652	Change provisions of the Nebraska Industrial Development Corporation Act.
661	Provide for a system of personnel administration in certain counties.
725	Allow voters to register in any county.
726	Change provisions regarding vehicle weight limits.
753	Change dates relating to sale of property for delinquent taxes.
803*	Change provisions for preparation of proposed juror lists.
809*	Establish a Homestead Exemption based on actual value.
814*	Create statewide system of technical community colleges.
825*	Establish provisions for motor vehicle titles, registrations, and dealer license plates.
850	Change provisions relating to Board of Educational Lands and Funds.
870***	Change schedule of medical assistance payments.
870A*	Appropriation Bill.
905*	Establish restrictions on medical assistance programs for medication.
906*	Change provisions for issuing certificates of need.
908*	Change provisions for platting and annexation of school property.
910	Change provisions for Sanitary and Improvement Districts contracts.
921*	Provide educational services to veterans.
945*	Change provisions for sales tax exemption for energy.
1006*	Allow additional fire officers to collect certain fees.

1023	Allow Sanitary and Improvement Districts to contract for additional governmental services.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS

ADMINISTRATIVE RULES AND REGULATIONS REVIEW

LB	
1080	Change provisions for rules of administrative agencies.

AGRICULTURE AND ENVIRONMENT

LB	
534	Pseudorabies Control Act.
968	Provide penalty for road damage from irrigation equipment.
989	Change in registration fees for feeds, fertilizers, and soil conditioners.
990	Create the Economic Poison Administration Fund.
991	Change provisions for fees on commercial eggs.

APPROPRIATIONS

LB	
527	Create funds for School for Visually Handicapped and School for the Deaf.
840	Change provisions for Board of Examiners in Audiology and Speech Pathology.
1128	Appropriation recommendations for state government expenses.
1129	Provide appropriations for certain capital construction.

BANKING, COMMERCE AND INSURANCE

LB	
243	Require title insurance agents to be licensed abstracters.
300	Change requirements for corporate mergers.
774	Require public funds to be federally insured.
807	Change provisions for filing location for security interest under Uniform Commercial Code.
808	Change provisions for secured transactions; implement date for computer system.
868	Insurance Producers Licensing Act.
939	Require financial institution directors to report insolvency.
940	Require Banking Director to report possible wrongdoing.
996	Change limitations for institutions which acquire failing institutions.
1039	Establish Banking Director duties in various banking

violations.

BUSINESS AND LABOR

LB	
249	Changes relating to employer contributions to employment security.
745	Clarify provisions of Employment Security Law.
746	Change various provisions of Employment Security Act.
747	Change retirement provisions for Division of Employment employees.
851	Nebraska Job Training Act.
1130	Disallow certain claims against the State.
1131	Provide for payment of certain claims against the State.

CONSTITUTIONAL REVISION AND RECREATION

LB	
171	Increase motor vehicle fees and place in State Recreation Road Fund.
466	Establish a voluntary check-off program for endangered species.
1001	Establish special depredation hunting season for deer.
LR	
20CA	Establish minimum requirements for candidates for state office.

EDUCATION

LB	
286	Change provisions relating to nonresident tuition and foreign students.
287	Change provisions relating to School Foundation and Equalization Fund.
288	Provide for an alternative school year.
290	Change powers and duties of Nebraska Coordinating Commission for Postsecondary Education.
568	Vocational Education Incentive Funding Act.
749	Require schools to provide instruction on fire dangers and prevention.
924	Coordinate agency services to handicapped children.
928*	Change provisions pertaining to public and private schools.
930	Change computation of nonresident high school tuition.
981	Create program review system for public postsecondary institutions.
982	Establish community and continuous educational

	programs.
994**	Change various provisions relating to teaching and education.
1009	Change provisions for annexation of school district territory.

EXECUTIVE BOARD

LB	
564	Eliminate the Nebraska Transportation Advisory Committee.
633	Revisor bill to provide for the construction of certain statutes.
634	Revisor bill to change provisions relating to certain teacher contracts.
635	Revisor bill to provide a duty for the Director on Aging.
636	Revisor bill to repeal an obsolete statute relating to motor vehicles.
637	Revisor bill to repeal certain obsolete statutes relating to Fiscal Analyst.
638	Revisor bill to repeal an obsolete statutes relating to Nebraska Center for Children and Youth.
639	Revisor bill to repeal an obsolete statutes relating to probation officers.
640	Revisor bill to repeal obsolete statutes relating to judicial districts.
641	Revisor bill to repeal obsolete revenue bond statutes.
642	Revisor bill to repeal certain nonresident high school tuition statutes.
663	Authorize Legislature to furnish coffee to its employees and guests.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

LB	
368	Change provisions relating to officers of first and second class cities.
623	Change various provisions relating to elections.
932	Change provisions relating to Auditor of Public Accounts.
933	Change provisions for Department of Administrative Services.
934	Change provisions pertaining to Nebraska National Guard.
944	Change provisions for notary publics.

JUDICIARY

LB	
373	Change a limitation on certain probate proceedings.
845	Provide genetic testing in paternity suits; change provisions for child support.
846	Change provisions relating to incest.
847	Payment of placement or detention costs by parents of juveniles.
848	Change provisions for publication and distribution of court opinions.
849	Change provisions relating to fines and imprisonments in certain cities.
972	Change provisions of Nebraska Juvenile Code.
973	Change provisions for establishing Juvenile Courts.
974	Provide appealing procedures in parental rights termination cases.

LAW ENFORCEMENT AND JUSTICE ADVISORY

LB	
591	Provide for mandatory disposition of instate detainers.
625	Establish provisions for the use of wiretaps by the FBI.

MISCELLANEOUS SUBJECTS

LB	
258	Change provisions relating to bingo.
946	Modify powers of State Electrical Board.
947	Change provisions for liquor licenses.
948	Change provisions regarding corporate ownership of liquor licenses.
949	Change provisions governing bingo, lotteries, and raffles.
950	Provide for staffing of Bingo and Pickle Card Regulatory Commission.
951	Repeal the Unicameral Research Institute.

NEBRASKA RETIREMENT SYSTEMS

LB	
216	Allow part-time employees to participate in county retirement plan.
218	Provide for pick up by employer of certain retirement contributions.
220	Authorize a pension program for certain volunteer fire departments.

222	Retirement changes for transferred county employees.
526	Require certain cities or villages to create retirement committees.
750	Provide for early judges retirement on actuarily reduced basis.
751	Changes for investment and administration of state employees retirement program.
752	Change provisions for pension fund investments of political subdivisions.

PERFORMANCE REVIEW AND AUDIT

LB	
838*	Provide for continuation of Building Maintenance Committee.
839**	Establish penalties for misuse of food stamps and assistance payments.
841	Change fees for various electrician licenses.

PUBLIC HEALTH AND WELFARE

LB	
416	Allow unlicensed hospital personnel to administer medication.
723	Provide for assignment of rights of medical assistance benefits.
724	Change provisions related to nursing and nurse practitioner programs.
900	Change qualifications for barbering.
901	Change provisions for Energy Office to administer weatherization programs.
902*	Authorize insurance arrangements for health services with preferred providers.
903	Uniform Billing and Data Collection Act.
904*	Allow Social Services Director to contract with certain venders.
913	Utilize community action agencies to administer block grant funds.

PUBLIC WORKS

LB	
379	Establish ground water allocation levels.
545*	Water Resources Development Act.
727	Require Attorney General to notify Legislature of water use cases.

REVENUE

LB	
395	Eliminate sales tax exemption for certain utilities.
833	Change provisions regarding the assessment and reappraisal of property.
834	Allow whole properties to be sold at delinquent tax sales.
835	Change provisions relating property valuation and taxation.
891	Prohibit property tax exemptions for certain organizations.
892	Establish income and sales tax rates.
962	Change provisions relating to revenue and taxation.
1124**	Provide tax on multi-national corporations.

URBAN AFFAIRS

LB	
734	Change interest provisions on payments to Sanitary and Improvement Districts contractors.
735	Change provisions for garbage or refuse collections in metropolitan cities.
782	Allow cities and villages to contract for law enforcement services.
911	Allow public entities to contract with landfill operators.
925	Change provisions relating to Sanitary and Improvement Districts.
1084	Change provisions for designation of entire cities as blighted areas.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

LEGISLATIVE BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

Administrative Rules and Regulations Review

Chairperson - Emil E. Beyer, Jr.

762 1080

Agriculture and Environment

Chairperson - Rex Haberman

55 426 504 534 551 576
580 662 670 742 767 779
824 871 927 953 969 976
977 989 990 991 1005 1007
1042 1058 1059 1064 1078 1083
1090 LR87

Appropriations

Chairperson - Jerome Warner

38 132 255 354 398 527
529 581 601 772 827 838
841 867 874 875 878 880
882 883 884 885 959 1015
1034 1056 1110 1126 LR243

Banking, Commerce and Insurance

Chairperson - John DeCamp

115 117 243 260 278 300
324 340 360 390 453 460
473 475 480 502 554 582
631 643 652 681 692 693
704 705 736 754 759 774
777 785 801 807 808 810
842 868 894 901 902 907
912 919 923 936 954 1031
1049 1052 1066 1068 1069 1076
1077 1105 1117

Business and Labor

Chairperson - Bill Barrett

217 249 280 496 543 651
738 739 745 746 747 765
776 793 829 832 851 917
995 1014 1099 1112 1130 1131

Constitutional Revision and Recreation

Chairperson - Bernice Labedz

171 293 294 466 680 967
1001 1081 1092 LR 1CA LR 2CA LR 3CA
LR 4CA LR 10CA LR 12CA LR 15CA LR 17CA LR 18CA
LR 20CA LR223CA LR224CA LR225CA LR226CA LR227CA
LR228CA LR232CA LR233CA LR234CA LR235CA LR236CA
LR237CA LR238CA LR242CA LR244CA LR245CA LR247CA
LR248CA LR303 LR337CA*

Education

Chairperson - Tom Vickers

9 103 130 141 227 256
284 286 287 288 290 296
331 333 341 385 388 419
430 445 446 467 514 568
642 644 645 665 668 689
698 721 740 749 764 768
781 787 814 815 844 850
857 858 872 881 889 890
908 914 922 924 928 930
931 938 942 952 957 960
970 981 982 993 994 997
999 1009 1029 1030 1035 1036
1043 1044 1051 1057 1065 1074
1087 1088 1089 1093 1097 1098

Government, Military and Veterans Affairs

Chairperson - Dave Landis

63 68 129 338 459 471
477 478 516 518 544 606

623 648 659 661 663 671
679 682 683 700 707 718
725 819 826 909 920 921
933 934 944 966 975 1006
1013 1020 1024 1025 1085 1125
LR71

Judiciary

Chairperson - Chris Beutler

5 13 77 79 80 123
183 189 202 233 276 283
312 318 355 373 377 394
403 405 420 422 441 443
455 489 492 500 507 510
525 569 590 591 598 625
650 657 667 673 678 684
685 687 690 695 696 703
757 773 784 786 802 803
804 821 828 845 846 847
848 849 854 856 865 895
916 929 963 964 965 972
973 974 979 986 987 988
1017 1018 1038 1045 1046 1048
1050 1067 1070 1072 1091 1095
1100 1101 1102 1111 1113 1114
1115 1116 1121 1122

Miscellaneous Subjects

Chairperson - Elroy Hefner

56 190 226 229 251 258
295 336 407 564 699 713
714 741 744 755 771 788
789 797 820 836 863 915
935 943 946 947 948 949
950 951 961 978 980 1008
1012 1016 1061 1075 1079 1096

Nebraska Retirement Systems

Chairperson - Donald Wesely

165 216 218 220 222 321
442 450 457 526 552 553
653 750 751 752 843 855
893 971 1019 1094 1118

Public Health and Welfare

Chairperson - George Fenger

51 61 85 112 113 140
275 314 416 418 470 481
517 561 666 676 708 716
720 723 724 761 763 775
778 780 783 798 822 823
839 840 860 877 886 898
900 903 904 905 906 913
1002 1041 1047 1063 1086 1103
1104 1127

Public Works

Chairperson - Loran Schmit

49 67 122 152 167 231
232 297 342 348 379 381
431 458 482 485 503 528
545 558 559 578 595 596
647 654 658 672 677 688
694 697 702 710 711 715
719 722 726 727 729 730
733 743 756 760 766 790
792 805 806 811 812 818
825 852 853 861 864 866
873 897 968 983 984 985
1000 1032 1033 1040 1053 1054
1055 1060 1071 1106 1108 1109
LR 37 LR 62 LR197

Revenue

Chairperson - Calvin Carsten

14	25	47	147	172	212
344	364	372	395	444	491
530	560	586	597	646	649
655	656	660	664	674	675
691	701	706	709	712	717
728	731	732	737	753	758
769	770	791	794	795	796
799	800	809	813	816	817
830	831	833	834	835	859
862	869	870	876	879	888
891	892	918	932	937	941
945	955	956	958	962	998
1003	1004	1021	1037	1062	1073
1082	1123	1124	LR 70	LR337CA*	

Special Commonwealth

Chairperson - Vard Johnson

669	887	899	926	939	940
996	1011	1026	1027	1028	1039

Urban Affairs

Chairperson - Dave Newell

150	250	359	368	386	513
540	686	734	735	748	782
837	896	910	911	925	992
1010	1022	1023	1084	1107	1119
1120	LR298	LR350			

*Joint Committee

SUMMARY OF LEGISLATION

The following table shows the final disposition:

Length 60 days

Total Number of Bills Introduced, 88th Legislature: 1131
Total Number of Bills Introduced, 1st Session: 632
Total Number of Bills Introduced, 2nd Session: 499
Total Number of Carryover Bills, 1st Session: 224
Total Number of "A" Bills Introduced, 88th Legislature: 109
Total Number of Carryover "A" Bills, 1st Session: 24
Total Number of New "A" Bills, 2nd Session: 44
Total Number of Resolutions Introduced, 88th Legislature (including CA): 471
Total Number of Resolutions Introduced, 1st Session: 219
Total Number of Resolutions Introduced, 2nd Session: 252
Total Number of CA Resolutions Introduced, 88th Legislature: 30
Total Number of Bills to Become Law, 2nd Session: 291

Approved by Governor, 274:

9	13	14A	49	56	79
115	130	152	171	189	216
218	226	229	249	276	278
286	286A	290	300	333e	348
368	372	373	394	403	403A
405	416e	416A	420	457e	457Ae
470e	470A	471e	473e	475e	477e
477Ae	478e	478Ae	480e	481e	482
492	510	516e	516Ae	527e	540
553	564	590	591e	623	625e
633	634	635	636	637	638
639	640	641	642	643e	644e
645	653e	657	658	660	663e
664e	667	670	671	672	673
677	679	681	682e	683e	686
690	692	694	695	696e	697
703	705	710	711	711A	714e
716	719e	723e	724	724A	726
729e	730	733e	734	736	742
744e	745e	746e	747e	748	749
750	751	751A	752	760	761
761A	764	767	767A	768	772e
772Ae	773	775	776	782e	783
790	791	795	796	799e	800
801	801A	805	807	808	811
818	820e	822	824	825e	825Ae
826	830	832	832A	833e	833Ae

835	835A	837	838e	841	845
845A	848e	848Ae	851	853	861
862	863e	867	881	882e	883e
884e	886e	890	891	892	896
897	899e	900e	902e	904e	906
906A	908	910	911	915e	916
919	920	923e	928	930	930A
931e	931Ae	932	933	934e	936
942	946e	947	949e	956	967
968	969	970e	971	973	975
976	976A	977e	979e	980	981
983	985	990	990A	991	991A
992	993	994	995e	999	1000
1001	1001A	1007	1010	1016e	1019e
1026e	1028e	1032	1034e	1039e	1045
1058	1060e	1064	1071	1076	1078e
1084e	1089	1089A	1095	1098	1105
1106	1113	1117	1119	1124	1125
1125A	1127e	1127A	1131e		

Line-item Veto, 5:

970A	981A	994A	1106A	1126e

Returned by Governor Without Approval, 18:

112	112A	341	341A	507	507A
561	568	568A	645A	762	769
852	913e	960	1056	1056A	1059e

Passed Notwithstanding Objections of Governor, 12:

38	38A	183	466	466A	758
809	880e	880Ae	962	1128e*	1129e*

Became Law Without Governor's Signature, 0.

Failed on Final Reading, 7:

14	130A	255	372A	453	700
829					

Resolution CA delivered to Secretary of State, 3:

LR2CA	LR227CA	LR235CA

Indefinitely Postponed, 472 (Bills, A-Bills, and LRCA):

5	13A	25	47	51	55
61	63	67	68	77	80
85	103	113	117	122	122A
123	129	132	140	140A	141

147	150	165	165A	167	172
190	202	212	217	220	222
227	231	232	233	243	250
251	251A	258	260	275	280
283	284	287	288	293	294
295	296	296A	297	312	314
314A	318	324	331	336A	338
340	342	344	344A	354	355
359	360	364	371A	377	379
381	385	386	388	390	395
398	407	418	418A	419	422
426	426A	430	431	441	443
444	445	446	450	450A	453A
455	458	459	460	467	485
489	491	496	500	500A	502
503	503A	504	513	514	517
518	525	526	526A	528	529
530	534	543	544	545	551
552	554	558	559	560	569
576	578	580	581	582	586
595	596	597	598	601	606
631	647	648	649	650	651
652	654	655	659	661	662
665	666	668	669	674	675
676	678	680	684	685	687
688	689	691	693	694A	698
699	700A	701	702	704	706
707	708	709	712	713	715
717	718	720	721	725	727
728	731	732	735	737	738
739	740	741	753	754	755
756	757	759	763	765	766
770	771	774	777	778	779
780	781	784	785	786	787
788	789	792	793	794	797
798	802	803	804	806	807A
809A	810	812	813	814	815
816	817	819	821	823	827
828	831	834	836	839	840
842	843	844	846	847	849
850	854	855	856	857	858
859	860	864	865	866	868
869	870	870A	871	872	873
874	875	876	877	878	879
885	888	889	893	894	895

898 901 903 903A 905 907
909 912 914 917 922 924
925 926 927 929 935 937
938 939 940 941 941A 943
944 945 948 950 951 952
953 954 955 956A 957 958
959 960A 961 963 964 965
966 972 974 978 982 982A
984 986 987 988 989 996
997 998 1002 1003 1003A 1004
1005 1006 1008 1009 1011 1012
1013 1015 1017 1018 1020 1021
1022 1023 1024 1025 1027 1029
1030 1031 1033 1035 1036 1037
1038 1040 1041 1042 1046 1047
1048 1049 1050 1051 1052 1053
1054 1055 1057 1061 1062 1063
1065 1065A 1066 1067 1068 1069
1070 1072 1073 1074 1075 1077
1078A 1079 1080 1081 1082 1083
1085 1086 1087 1088 1091 1092
1093 1093A 1094 1096 1097 1099
1100 1101 1102 1103 1104 1107
1108 1109 1110 1111 1112 1114
1115 1118 1120 1121 1122 1123
1130 LR1CA LR3CA LR4CA LR10CA LR12CA
LR15CA LR17CA LR18CA LR20CA LR223CA LR224CA
LR225CA LR226CA LR228CA LR232CA LR233CA LR234CA
LR236CA LR237CA LR238CA LR242CA LR244CA LR245CA
LR247CA LR248CA LR337CA LR468CA

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256 321 336 442 481A 646
656 722 743 887 918 921
1014 1043 1044 1090 1116

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220 222 229 230 231 239
240 241 249 251 252 253
254 256 257 258 259 261
262 263 264 265 266 267
268 269 270 271 272 273
274 275 277 278 279 280
281 282 283 285 286 287
288 289 290 291 292 293
294 295 296 297 299 300

301 302 308 313 314 339
340 341 351 358 370 451
456 457 459 460 461 462
463 464 466 467 469 470

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Sine die 2469

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APPOINTMENTS

Alvarez, Carlos - State Parole Board 72, 452, 637, 2133, 2223
Andersen, Dewey - Environmental Control Council 67, 451, 586, 970, 1109
Bartee, Ron - Parole Board 73, 452, 637, 2133, 2223
Bartels, Larry B. - State Board of Health 924, 1001, 1621, 1952, 2008
Berg, Darrel - Board of Public Roads Classifications and Standards 1213, 1272, 1361, 1882, 1949
Beverage, Roger - Director, Nebraska Department of Banking 75, 451, 755, 894, 1139
Biegert, Maurine - Educational Television Commission 65, 451, 880, 1260, 1291
Boosalis, Helen G. - Director, Department of Aging 61, 452, 1621, 1952, 2008
Bradley, Odra W. - Educational Television Commission 66, 451, 880, 1260, 1291
Brandt, Tamara S. - Public Employees Retirement Board 1096, 1271, 1507, 1595, 1719
Broadus, Lovie D. - State Personnel Board 927, 997, 1001, 1443, 1466
Brookes, Anne B. - Public Employees Retirement Board 1211, 1271, 1507, 1595, 1719

Burger, G. Peter - Oil and Gas Conservation Commission 740, 917, 1019, 1109
Butler, Dr. Judy - Rural Health Manpower Commission 63, 452, 1213, 1271, 1505, 1795, 1847
Carmona, James - Adjutant General - Military Department 73, 452, 567, 1443, 1466
Chunka, Gary - Bingo and Pickle Card Regulatory Commission 70, 452, 651, 1175, 1207
Cohn, Jerome - Nebraska Arts Council 1081, 1271, 1508, 1874, 1948
Connealy, Emmett - Educational Television Commission 66, 451, 880, 1260, 1291
Cope, Carol - Safety Center Advisory Council 2138, 2222
Cope, Thom K. - Motor Vehicle Industry Licensing Board 2018, 2201, 2210, 2325, 2462
Cupich, Blase - Board of Public Roads Classifications and Standards 1213, 1272, 1361, 1528, 1882, 1949
Dagle, Stacey B. - Board of Trustees of Nebraska State Colleges 65, 452, 880
Davis, Dick C. E. - Nebraska Arts Council 1081, 1271, 1507, 1874, 1948
Domina, David A. - Board of Educational Lands and Funds 68, 451, 740, 880, 917, 1261, 1292
Drost, Dr. William V. - State Board of Health 61, 452, 1621
Eddy, Robert L. - Manufactured Housing Advisory Board 1115, 1271, 1505, 1795, 1847
Emerton, Tom - Advisory Committee to the Department of Economic Development 72, 451, 755, 894, 1139
Ferguson, Robert - Safety Center Advisory Council 2138, 2222
Fickes, Marita - Rural Health Manpower Commission 1587, 1621, 1671, 1795, 1848, 2222
Geisler, Ralph L. - Nebraska Commission for the Hearing Impaired 1108, 1136, 1271, 1505, 1795, 1847
George, Jim - Environmental Control Council 67, 451, 586, 757, 970, 1109
Grams, Dennis - Director, Nebraska Department of Environmental Control 74, 450, 586, 970, 1109
Green, Merrit - Director, Commission on Law Enforcement and Criminal Justice 505, 729, 869, 2133, 2223
Gunderson, Robert - Safety Center Advisory Council 2138, 2222
Gunter, Frank O. - Director, Department of Correctional

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Gyger, Bernard R. - Advisory Committee to the Departments of Public Institutions, Public Welfare, and Correctional Services 1214, 1271, 1621, 1952, 2008
Hansen, R. Doyle - Board of Public Roads Classifications and Standards 1212, 1272, 1361, 1882, 1949
Heckman, Phillip - Educational Television Commission.........................66, 451, 880, 1260, 1291
Hille, James C. - Manufactured Housing Advisory Board 1115, 1271, 1505, 1795, 1847
Hutchens, Don D. - Agricultural Products Industrial Utilization Committee 68, 451, 586, 630, 970, 1109
Ingram, Jerry - Educational Television Commission.........................66, 451, 880, 1260, 1291
James, Phil - Environmental Control Council.............................66, 451, 586, 970, 1109
Juelfs, Stan - Nebraska Games and Parks Commission 798, 868, 917, 1085, 1105, 1143, 1161
Kaldahl, Phillip - Public Employees Retirement Board 1097, 1271, 1507, 1595, 1719
Kamas, James E. - Nebraska Commission for the Hearing Impaired 1107, 1136, 1271, 1505, 1795, 1847
Keenan, James - Highway Commission....................1145, 1272, 1361, 1882, 1949
Kelly, Ronald - Agricultural Products Industrial Utilization Committee 68, 451, 586, 970, 1109
Kenney, James W. - State Board of Health..........................926, 1001, 1621, 1952, 2008
Kimball, Dr. Kenneth - Safety Center Advisory Council 2138, 2222
Klosterman, Beth - Safety Center Advisory Council 2138, 2222
Knapp, Carla - Environmental Control Council.........................741, 917, 1401, 1829, 1848
Kongstvedt, Dr. Peter R. - State Board of Health 926, 1001, 1621, 1979, 2356, 2461
Kosman, Hod - Nebraska Arts Council....................1082, 1271, 1507, 1695, 1874, 1948
Kreuscher, Allen - Agricultural Products Industrial Utilization Committee 68, 451, 586, 970, 1109
Krohn, Bob - Advisory Committee to the Department of Economic Development................72, 451, 755, 894, 1138
Kucirek, Edward J. - Manufactured Housing Advisory Board 1114, 1271, 1505, 1795, 1847
LaMalfa, John - Bingo and Pickle Card Regulatory

Commission. 69, 452, 1507, 1695, 1874, 1948
Lamb, Donna - Rural Health Manpower Commission 1214, 1271
Landow, Paul - Highway Commission. .1145, 1272, 1361, 1882, 1949
Langvardt, Arthur - Educational Television Commission. 65, 451, 880, 1260, 1291
Lauritsen, Cynthia - Board of Trustees of Nebraska State Colleges. 65, 451, 880
Leavitt, Berton - Nebraska Commission for the Hearing Impaired 1107, 1136, 1271, 1505, 1795, 1847
Liggett, Scott - Board of Trustees of Nebraska State Colleges. 65, 451, 880
Lindahl, Merlin - Board of Public Roads Classifications and Standards 1213, 1272, 1361, 1882, 1949
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Urge Congress to amend to extend sunset date for issuance of tax-exempt single family mortgage bonds(Wesely) 38LR

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First class cities pension plans: interim study on implementation and status as established by LB 531 and LB 237, 1983 (Wesely).. 425LR
Gausman, Dr. Chester H.: recognize for his contributions to technical community colleges upon his retirement(Wagner, Lundy, Vickers, R. Johnson, H. Peterson, Jacobson, Rupp, Barrett, Kahle, Chronister)... 370LR
Public employees: interim study of earlier retirement with full benefits(Nebr. Ret. Comm.)................................ 426LR
State and subdivision systems: interim study(Nebr. Ret. Comm.)... 428LR
Urge Congress to support and vote favorably on 1983 Railroad Retirement Act(Wesely, Cullan)................................. 71LR

REVENUE AND TAXATION
Agricultural land as separate tax class: allow Legislature to enact laws treating(Schmit)................................... 232CA
Agricultural or horticultural land: establish separate tax class based on productivity and limit tax levy on property(DeCamp)..... 468CA
Agricultural or horticultural land: establish separate tax class based on productivity and limit tax levy on property(R. Peterson, DeCamp, Von Minden, Fenger, Jacobson, Beyer, Clark, Schmit, Haberman, H. Peterson, Pappas, L. Johnson, R. Johnson, Chronister)... 337CA
Cash reserves of political subdivisions abusing local taxing power: interim study(Revenue Comm.)........................... 408LR
Collection of delinquent property taxes: interim study (Revenue Comm.).. 250LR
Distressed areas: interim study on development of tax incentives (Newell).. 393LR
Energy income tax credits: interim study(Wesely)................. 379LR

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Equitable tax system regarding economic development: interim study(Goodrich) 449LR
Financing highways, roads and streets through taxes: interim study(Revenue Comm.) 409LR
Impact of LR 245 if adopted which limits revenue collection: interim study(Const. Rev. Comm., Revenue Comm.) 398LR
Land and improvements: establish separate tax classes(Newell, DeCamp) 233CA
Limit tax levy on property and authorize method for increases (R. Peterson, DeCamp, Von Minden, Fenger, Jacobson, Beyer, Clark, Schmit, Haberman, H. Peterson, Pappas, L. Johnson, R. Johnson, Chronister) 337CA
Limit tax levy on property and authorize method for increases (DeCamp) 468CA
Nonpayment of taxes: establish redemption limitation on real estate which is sold(Newell) 234CA
Parimutuel betting at horse races: interim study on taxation (Pappas) 321LR
Property tax relief to agricultural landowners: interim study on alternative methods(Sieck) 362LR
Property tax: establish limitations(DeCamp) 17CA
Property, sales, income and miscellaneous taxes: interim study (Revenue Comm.) 407LR
Provide fairest and most equitable tax system: interim study (Pappas, DeCamp) 310LR
Revenue collected by state from any source: establish limit (Hefner, H. Peterson, Von Minden, Carsten) 245CA
Sales tax on services: interim study(V. Johnson) 375LR
Special fuel taxes: interim study on method of taxation and collection(Schmit, Lamb) 420LR
Special motor vehicle fuel taxation: interim study regarding AGO #193(Eret, Haberman, Lamb) 422LR
Tax Fairness: interim study on entire state corporate, property, sales and individual income tax structure(Harris) 366LR
Tax rates for next fiscal year: urge Legislative members to prevent an increase and strive for reduced rates instead(DeCamp, H. Peterson) 221LR
Taxpayers Survival Committee: endorse their efforts to limit state spending(Hefner, H. Peterson, Von Minden) 303LR
Transient merchants: interim study on compliance with tax laws (DeCamp) 333LR
Underground economy on business: interim study(Landis) 326LR
Uranium mining leases: interim study on severance tax policy (Scofield) 346LR
Urge Congress to amend Mortgage Subsidy Bond Act to extend sunset date for issuance of tax-exempt single family mortgage bonds (Wesely) 38LR
Urge Congress to delay implementation of third phase tax cuts authorized by Economic Recovery Act of 1981(Newell, Pappas, Marsh, Eret, Kahle) 70LR
Uses of aircraft fuel taxes: interim study(Revenue Comm.) 410LR
Valuation of land for property tax purposes: interim study (Const. Rev. Comm.) 397LR

RISING CITY

High School girls for Class D-2 basketball win: congratulate (Schmit) 292LR

RIVERS

Examine river bank erosion and flood damage to state property: interim study(Pappas) 305LR
Flooding: interim study(Schmit) 431LR
Urge U.S. Dept. of Interior to reconsider designation of part of Platte River as critical habitat area for whooping crane(Carsten, Lundy, Fenger, H. Peterson, Goodrich, Hefner, Chronister, Beyer, R. Johnson, Clark, Schmit, Pappas, Nichol, Kahle, DeCamp, Lamb, Vickers, Wagner, R. Peterson, Jacobson, Barrett, Sieck, Eret, Goll, Haberman, Remmers, L. Johnson, Von Minden) 197LR

ROADS (See also Highways)
Cities and counties to build and maintain roads: interim study (Withem).. 369LR
Deterioration: interim study(Newell)............................ 394LR
Financing through taxes: interim study(Revenue Comm.)........... 409LR
Problems confronting movers of houses and other special goods via roads, highways and bridges: interim study(Schmit).......... 418LR

ROADS, DEPARTMENT OF
Carrier Enforcement Division be transfered to State Patrol: interim study(Beyer).. 372LR

SAFETY
Child restraint, handicapped parking, motorcycle helmets, speed limit, mandatory seatbelts, and two-lane highways: interim study (Marsh)... 403LR
Combining police and fire departments to create Public Safety Dept. for pension purposes: interim study(Wesely).............. 382LR
Motor vehicles: interim study(Beyer)............................ 342LR

SALARIES (See Fees and Salaries)

SALES AND INCOME TAX (See also Revenue and Taxation)
Rates: urge Legislative members to prevent an increase and strive for three percent for sales and sixteen percent for income (DeCamp, H. Peterson)... 221LR
Sales tax on services: interim study(V. Johnson)................ 375LR
State and local revenue and tax structures in Nebraska: interim study(Revenue Comm.)... 407LR
Tax Fairness: interim study on entire state corporate, property, sales and individual income tax structure(Harris)............... 366LR

SALES AND USE TAX (See also Revenue and Taxation)
Financing highways, roads and streets through taxes: interim study(Revenue Comm.)... 409LR
Food: prohibit sales tax(Morehead, Labedz)...................... 15CA
State and local revenue and tax structures in Nebraska: interim study(Revenue Comm.)... 407LR

SALYARDS, DEBORAH JEAN
Chosen for Mrs. Nebraska 1983: congratulate(Marsh).............. 287LR

SANITARY AND IMPROVEMENT DISTRICTS
Possibility of defaulting on warrants and bonds or declaring bankruptcy: interim study(Newell)............................. 392LR

SCHOOLS (See also Education)
All school districts to offer kindergarten through twelfth grade instruction: require(Pappas, V. Johnson)................. 248CA
Battle Creek High School girls for Class C-1 basketball win: congratulate(R. Peterson)...................................... 289LR
Clearwater High School boys for Class D-2 basketball win: commend(DeCamp).. 286LR
Ewing High School girls for second place in state basketball finals: commend(DeCamp)....................................... 283LR
Hartington Cedar Catholic High School boys for Class B basketball win: congratulate(Hefner)................................ 288LR
Henderson boys for Class C-2 basketball and football wins: congratulate(Sieck, R. Johnson)................................ 281LR
Kearney Catholic girls: congratulate for C-2 basketball win (Lundy, Kahle).. 280LR
Kearney Junior and Senior High Schools: congratulate for "Top School" awards(Lundy, Kahle)................................. 341LR

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Madison High School boys for Class C-1 basketball win: congratulate(R. Peterson) 290LR
Millard South High School boys for Class A basketball win: congratulate(McDonald, Abboud, Beyer, Hannibal) 291LR
Nebraska seniors ranked fourth in American College Test: express appreciation to school officials and teachers for leadership (Withem, Remmers, Morehead, Scofield, Vickers, L. Johnson) 240LR
Palmer High School boys for Class D-1 basketball win: congratulate(R. Johnson) 282LR
Proceeds from forfeited or confiscated property: divide equally between school fund and counties for drug enforcement(Pirsch, Hoagland, Kilgarin) 2CA
Public postsecondary institutions under Legislative direction: place all(V. Johnson) 238CA
Raymond Central High School girls for Class B basketball win: congratulate(Schmit, Warner) 294LR
Rising City High School girls for Class D-2 basketball win: congratulate(Schmit) 292LR
Sex discrimination in scheduling of high school athletic events: interim study(Pappas, V. Johnson) 309LR
Shickley High School girls for Class D-1 basketball win: congratulate(Eret) 285LR
Special education: interim study(Vickers) 384LR
Teacher evaluation methods by administrators: interim study (Sieck, Lamb) 361LR
Weatherization of public buildings and conservation: interim study(Wesely) 381LR
Weatherization program and energy conservation: interim study (Beyer) 390LR

SECRETARY OF STATE
Legislative salaries: allow Board of Equalization to determine (Newell) 236CA

SENIOR CITIZENS (See also Aged and Aging)
Adult abuse and neglect: interim study(Wesely, Marsh) 246LR

SERVICES
Sales tax: interim study(V. Johnson) 375LR

SHICKLEY
High School girls for Class D-1 basketball win: congratulate (Eret) 285LR

SHIPS
Express opposition to cargo preference laws which require certain percentage of export credit sales to be carried on U.S. ships (Haberman) 207LR
Express opposition to cargo preference laws which require certain percentage of shipments to be carried on U.S. ships(Haberman) 87LR

SOCIAL SECURITY
Cost of living adjustments to retired public employees not receiving social security benefits(Nebr. Ret. Comm.) 427LR
Medicare reimbursement: monitor federal health policies(Wesely) .. 279LR
Public assistance programs: interim study on linkage between state disability and Social Security Administration(V. Johnson) .. 374LR

SOCIAL SERVICES, DEPARTMENT OF (See also Public Health and Welfare; Health, Department of)
Nebraskans for Quality and Affordable Health Care Task Force recommendations: interim study to monitor(Wesely) 413LR

SOLAR ENERGY
Income tax credits: interim study(Wesely) 379LR

STATE AGENCIES
Collective bargaining contracts among certain state agencies: approves(Bus. & Labor Comm.).. 358LR
Retirement systems: interim study on state and subdivision systems(Nebr. Ret. Comm.).. 428LR

STATE AID (See also Assistance)
Availability and effectiveness of programs: interim study(Wesely) 359LR

STATE COLLEGES
Extending public service radio: interim study on integrating with national programming and state colleges(R. Johnson)......... 454LR

STATE OFFICERS
Legislators to be eligible for certain state appointments: allow (V. Johnson).. 226CA

STATE PATROL, NEBRASKA
Carrier Enforcement Division of Department of Roads be transfered to State Patrol: interim study(Beyer).......................... 372LR
Salary schedule: interim study(Remmers, Beyer).................. 328LR

STATE TREASURER
Legislative salaries: allow Board of Equalization to determine (Newell).. 236CA

STREAMS
Flooding: interim study(Schmit)................................ 431LR

SWANTON, NEBRASKA
Honor on 100th Anniversary(Eret)............................... 268LR

TAX COMMISSIONER
Legislative salaries: allow Board of Equalization to determine (Newell).. 236CA

TAXATION (See Revenue and Taxation)

TAXPAYERS SURVIVAL COMMITTEE
Endorse their efforts to limit state spending(Hefner, H. Peterson, Von Minden).. 303LR

TAYLOR, JACK
Acknowledge dedicated service in area of education(Wagner, Newell, Pirsch, Kilgarin, Beutler, Hoagland, McDonald, Withem,Hannibal, Abboud, Marsh, V. Johnson, Labedz, Harris, Wesely, Goodrich, Vickers, Landis).. 293LR

TEACHERS (See also Schools, Public Employees)
Evaluation methods by school administrators: interim study(Sieck, Lamb).. 361LR
Increasing salaries to retain and attract highly qualified teachers: interim study(Vickers, Hoagland, Withem, R. Johnson).. 383LR
Nebraska seniors ranked fourth in American College Test: express appreciation to teachers and officials for leadership(Withem, Remmers, Morehead, Scofield, Vickers, L. Johnson).............. 240LR

TEACHERS ASSOCIATION, NEBRASKA DEPARTMENT OF EDUCATION
Contracts with Education Department: legislative approval (Bus. & Labor Comm.).. 358LR

TECHNICAL COMMUNITY COLLEGES
Areas of excellence assistance in meeting economic development needs: interim study(Vickers)................................ 385LR

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Extending public service radio: interim study on integrating with national programming and state colleges(R. Johnson)......... 454LR
Funding for aid(Newell, Higgins, Pappas, Labedz, Withem, Hannibal, V. Johnson, DeCamp)... 275LR
Gausman, Dr. Chester H.: recognize for his contributions to technical community colleges upon his retirement(Wagner, Lundy, Vickers, R. Johnson, H. Peterson, Jacobson, Rupp, Barrett, Kahle, Chronister)... 370LR
Reorganization: interim study(Pappas)........................... 338LR

TECHNOLOGY
Energy development: interim study(Beyer)........................ 371LR
High-technology curriculum in postsecondary institutions: interim study(Morehead, Harris, Labedz, Scofield)................ 439LR

TELECOMMUNICATIONS
Deregulation: interim study(Schmit)............................. 421LR
Extending public service radio: interim study on contracting with ETV, integrating with national programming & state colleges (R. Johnson)... 454LR
Impact of technological changes: interim study(Landis)........... 354LR
Interim study(Higgins)... 349LR

TELEVISION
Cable television service: urge Legislature to oppose H.R. 4103 (Newell)... 298LR
Local control to protect consumer interests in cable television service: urge opposition to HB 4103 & introduce contrary legis. (Sieck, Vickers, Carsten)....................................... 350LR
Nebraska Educational Television Commission becoming two separate entities: interim study to determine feasibility(Pappas)........ 316LR
State basketball tournament: direct NETV to televise all classes(Haberman)... 276LR

TOWNSHIPS
Interim study(Landis).. 325LR

TRACK
UNL Women's track team for NCAA Indoor Track Championship win: congratulate(Vickers, Marsh).................................... 296LR

TRADE
Conduct of commerce: interim study(Banking Comm.)............... 329LR

TRANSPORTATION
Air, phone, train and truck services in rural Nebraska: interim study(Scofield, Rupp, Vickers, Morehead)........................ 363LR
Deregulation of rail and truck transportation and telecommunications; deterioration of roads and highways: interim study (Schmit).. 421LR
Express opposition to cargo preference laws which require certain percentage of export credit sales to be carried on U.S. ships (Haberman)... 207LR
Express opposition to cargo preference laws which require certain percentage of shipments to be carried on U.S. ships(Haberman).... 87LR
Problems confronting movers of houses and other special goods via roads, highways and bridges: interim study(Schmit).......... 418LR

UNEMPLOYMENT (See Employment Security)

UNICAMERAL
Fiftieth Anniversary of Nebraska Unicameral: urge observation (L. Johnson).. 265LR

UNION BANK AND TRUST COMPANY
Donated property in Cass County for recreational use to NE. Game and Parks Foundation: legislative approval(Labedz).............. 274LR

UNIONS (See Labor)

UNITED NATIONS WEEK, NEBRASKA MODEL
Declare Febr. 5-11, 1984(Wesely)................................ 254LR

UNIVERSITIES AND COLLEGES
Areas of excellence assistance in meeting economic development needs: interim study(Vickers)................................. 385LR
Congratulate Jim and Bill Scherr and Bob Fehrs for wrestling achievements at UNL(Wesely, Vickers)........................... 297LR
Designate renovation of Morrill Hall as next priority project on UNL campus(Goodrich, Wesely)................................. 219LR
Express appreciation for grants supporting Creighton University and other higher education institutions(Higgins, Sieck, Labedz, L. Johnson, Scofield, Eret, Goll, Wesely)...................... 252LR
Extending public service radio: interim study on integrating with national programming and state colleges(R. Johnson)......... 454LR
High-technology curriculum: interim study(Morehead, Harris, Labedz, Scofield)... 439LR
Higher Education, State Board of: establish(H. Peterson)......... 223CA
Nebraska Board of Regents appointed by Governor and directed by Legislature: require(Kilgarin, Pappas, Newell)................. 225CA
Nebraska Board of Regents: provide Gubernatorial appointment (Hoagland).. 247CA
Pershing Rifles: honor for 90th anniversary(Eret)................ 267LR
Public postsecondary education: interim study on reorganization (Pappas)... 338LR
Public postsecondary institutions under Legislative direction: place all(V. Johnson)... 238CA
Sale of computer equipment to public by Nebraska University in direct competition with small businesses: interim study (Hoagland).. 437LR
State Colleges and University of Nebraska: interim study on reorganization(Pappas)... 338LR
UNL Football team and Coach Osborne for undefeated season: congratulate(48 Senators)....................................... 222LR
UNL Women's track team for NCAA Indoor Track Championship win: congratulate(Vickers, Marsh)................................. 296LR

UNIVERSITY OF NEBRASKA (See Universities and Colleges)

URAMIUM
Mineral leasing: interim study(Scofield)........................ 346LR

VETERANS
Low interest loans and counseling services: interim study(Wesely) 359LR
Observance of National Salute to Hospitalized Veterans(Higgins)... 256LR

VETERANS' ADMINISTRATOR
New cemetery site in Mead, Nebraska: urge consideration (45 Senators)... 269LR

VICTIMS OF CRIME
Addressing the courts: interim study(Pirsch).................... 450LR
Adult abuse and neglect: interim study(Wesely, Marsh)............ 246LR
Victims Rights Week as April 15 to 21: declare(Kilgarin, Pirsch, Sieck)... 460LR

VOTERS AND VOTING
Examine registration and voting by mail: interim study(Landis)... 395LR
Participation: interim study of statutes to encourage(Withem, Morehead).. 352LR
Presidential caucus primary similiar to Iowa: interim study on adoption(Hoagland, Barrett).................................. 429LR

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WAGES (See Fees and Salaries)

WASTE
Areawide solid waste management program: interim study to determine feasibility(Landis)........ 355LR
Deterioration of waste water treatment facilities: interim study (Newell)........ 394LR
Disposal: interim study(Ag. & Env. Comm.)........ 378LR
Energy development in waste-to-energy technologies: interim study(Beyer)........ 371LR
Recycling: interim study(Wesely)........ 380LR

WATER (See also Ground Water, Irrigation, Natural Resources)
Deterioration of water systems and waste water treatment facilities: interim study(Newell)........ 394LR
Drainage: interim study(Hefner, Schmit, R. Peterson)........ 376LR
Examine river bank erosion and flood damage to state property: interim study(Pappas)........ 305LR
Financing of projects: interim study(Schmit)........ 419LR
Flooding of rivers and streams: interim study(Schmit)........ 431LR
Groundwater pollution: interim study(Beutler)........ 445LR
Interstate disputes on usage of underground and surface: interim study(Schmit)........ 440LR
Issuance of bonds for water projects: expand Legislature's authority(Schmit)........ 244CA
Surface and underground water management: interim study(Schmit).. 387LR

WAYNE, NEBRASKA
Recognize 100th anniversary(Von Minden)........ 302LR

WELLS (See Ground Water, Irrigation)

WHOOPING CRANE
Urge U.S. Dept. of Interior to reconsider designation of part of Platte River as critical habitat area for whooping crane(Carsten, Lundy, Fenger, H. Peterson, Goodrich, Hefner, Chronister, Beyer, R. Johnson, Clark, Schmit, Pappas, Nichol, Kahle, DeCamp, Lamb, Vickers, Wagner, R. Peterson, Jacobson, Barrett, Sieck, Eret, Goll, Haberman, Remmers, L. Johnson, Von Minden)........ 197LR

WILDLIFE
Issuance of bonds for water projects: expand Legislature's authority(Schmit)........ 244CA
Living Snowfence Program: recognize persons responsible (39 Senators)........ 261LR
Threatened and Endangered Species Committee: interim study on necessity of LB 1092(Const. Rev. Comm.)........ 400LR
Urge U.S. Dept. of Interior to reconsider designation of part of Platte River as critical habitat area for whooping crane(Carsten, Lundy, Fenger, H. Peterson, Goodrich, Hefner, Chronister, Beyer, R. Johnson, Clark, Schmit, Pappas, Nichol, Kahle, DeCamp, Lamb, Vickers, Wagner, R. Peterson, Jacobson, Barrett, Sieck, Eret, Goll, Haberman, Remmers, L. Johnson, Von Minden)........ 197LR

WILSON, RAY
Recognize dedication and service to State(All Senators)........ 220LR

WORKMEN'S COMPENSATION
Insurance premium rates: interim study on Nebraska's policy (Withem)........ 343LR

WRESTLING
Albion wrestling team for Class B win: congratulate(DeCamp)...... 270LR

LR
Congratulate Jim and Bill Scherr and Bob Fehrs at UNL for wrestling achievements(Wesely, Vickers)............................ 297LR
Harvard High Wrestling team for Class D win: congratulate (R. Johnson).. 266LR

WYO-BRASKA DISTRICT LONG'S PEAK COUNCIL
Winners of the Gold Seal award: congratulate(Nichol)............ 470LR

ZONING
Distressed areas: interim study on advantages and disadvantages of state level enterprise zone program(Newell).................. 393LR